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ILLINOIS REGISTER

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- Issue 16 - April 14, 2000: Data Through March 31, 2000
- Issue 29 - July 14, 2000: Data Through June 30, 2000
- Issue 42 - October 13, 2000: Data Through September 30, 2000
- Issue 3 - January 19, 2001: Data Through December 31, 2000 (Annual)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Narrative and Planning Policies

2) Code Citation: 77 Ill. Adm. Code 1100

3) Section Number: 1100.220
Proposed Action: Amendment

4) Statutory Authority: 20 ILCS 3960, Illinois Health Facilities Planning Act

5) A Complete Description of the Subjects and Issues Involved: Changes are proposed to revise the State Board's rules regarding the definition of "patient days" and to establish a definition for "observation days". These changes are requested to accommodate health care providers who are experiencing high occupancy at their facilities. This proposal would allow providers who are experiencing high occupancy to place additional beds into service by documenting projected population changes within their respective service areas.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1100.700	Amendment	24 Ill. Reg. 14907, October 13, 2000

10) Statement of Statewide Policy Objectives: The overall purpose of the Health Facilities Planning Act is to contain health care costs by preventing unnecessary construction or modification of health care facilities and to improve the "ability of the public to obtain necessary health services" and "establish an orderly and comprehensive health care delivery system that will guarantee the availability of quality health care to the general public". Currently, some health care providers in specific areas of Illinois are experiencing high occupancies at their facilities. This is resulting in crowded facilities and potentially hampering patient care. Under the State Board's current rules, providers can add beds to a facility by documenting high historical occupancy. With this proposal, providers would be able to place additional beds in service by demonstrating projected population increases within their service area.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

the *Illinois Register* to:

Donald Jones
Illinois Health Facilities Planning Board
Illinois Department of Public Health
525 West Jefferson Street, Second Floor
Springfield, Illinois 62761-0001
(217) 782-3516
(217) 785-4308 (fax)
800-547-0466 (TTY - for hearing impaired only)
E-mail: djonesl@idph.state.il.us

A public hearing will be held on Wednesday, January 10, 2001, at 1:30 p.m. at the Executive Plaza Hotel, 71 East Wacker Drive, Chicago, Illinois. The hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in the conduct of the hearing:

1) Each person presenting oral testimony is requested to provide to the State Board a written (preferably typed) copy of such testimony at the time the oral testimony is presented.

2) No person will be recognized to speak for a second time until all persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All testimony shall conclude at the specified time except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

3) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the State Board may impose such other rules of procedure, including the order of call of witnesses, as necessary.

This rulemaking may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Donald Jones at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on this rulemaking shall indicate its status as such, in writing, in its comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

corporations affected: Health care facilities that meet the definition of small business or not for profit corporation.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated.

The full text of the Proposed Amendments begins on the next page:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100

NARRATIVE AND PLANNING POLICIES

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APPENDIX A

Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18

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Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985, effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2594; amended at 20 Ill. Reg. 14778, effective November 15, 1996; amended at 21 Ill. Reg. 6220, effective May 30, 1997; expedited correction at 21 Ill. Reg. 17201, effective May 30, 1997; amended at 23 Ill. Reg. 2960, effective March 15, 1999; amended at 24 Ill. Reg. 6070, effective April 7, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL DEFINITIONS

Section 1100.220 Definitions

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960].

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

"Applicable Codes and/or Current Recognized Standards" means the current official codes of governmental bodies applicable under law or regulation to Illinois health facilities and/or standards of health facility design, construction and equipment promulgated on a regular or permanent basis by an authority, public or private. A listing of the applicable codes utilized in the application review process may be found in Appendix A of this Part.

"Average Daily Census (ADC)" means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay (ALOS)" means over a 12-month period the average duration of inpatient stay expressed in days as determined by dividing total inpatient days by total admissions.

"Bed Capacity or Existing Bed Capacity" means the number of beds recognized for planning purposes at a facility as determined by the Illinois Department of Public Health.

The bed capacity which is utilized for each category of service identified in the Bed Need Determination Section reflects one of the following:

Measured or Surveyed Bed Capacity -- the number of beds by category of service which could be operated based on the amount of clear and usable floor area allowing:

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100 square feet per bed in single-occupancy rooms.

80 square feet per bed in multi-occupancy rooms.

40 square feet per bassinets in pediatric nurseries.

Functional Bed Capacity -- the number of beds by category of service the facility considers appropriate to place in patient rooms taking into account patient care requirements and the ability to perform the regular functions of patient care required for patients for the particular category of service involved.

Licensed Bed Capacity -- the number of beds by category of service recognized and licensed by the Illinois Department of Public Health. (Currently applies only to Long-Term Care Facilities.)

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, therapeutic radiology, etc. A category of service may include subcategories or levels of care which identify a particular degree or type of care within the category of service.

"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, through the Chairman, responsible to the State Board for the execution of its policies and procedures.

"Health Service Area (HSA)" means the following geographic areas:

HSA I - Illinois Counties of Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago

HSA II - Illinois Counties of Bureau, Fulton, Henderson, Knox, LaSalle, Marshall, McDonough, Peoria, Putnam, Stark, Tazewell, Warren, and Woodford

HSA III - Illinois Counties of Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott

HSA IV - Illinois Counties of Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Macon, McLean, Moultrie, Piatt, Shelby, and Vermilion

HEALTH FACILITIES PLANNING BOARD

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HSA V - Illinois Counties of Alexander, Bond, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White, and Williamson

HSA VI - City of Chicago

HSA VII - DuPage County and Suburban Cook County

HSA VIII - Illinois Counties of Kane, Lake, and McHenry

HSA IX - Illinois Counties of Grundy, Kankakee, Kendall, and Will

HSA X - Illinois Counties of Henry, Mercer, and Rock Island

HSA XI - Illinois Counties of Clinton, Madison, Monroe, and St. Clair

"Hospital" means a facility, institution, place or building licensed pursuant to or operated in accordance with the Hospital Licensing Act [210 ILCS 45] or a State-operated facility that is utilized for the prevention, diagnosis and treatment of physical and mental ills. For purposes of this Subchapter, two basic types of hospitals are recognized:

General Hospital -- a facility which offers an integrated variety of categories of service and which offers and performs scheduled surgical procedures on an inpatient basis.

Special or Specialized Hospital -- a facility which offers, primarily, a special or particular category of service.

"Illinois Department of Public Health" or "Agency" or "IDPH" means the Department of Public Health of the State of Illinois. [20 ILCS 3960/3]

"Modernization" means modification of an existing health care facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment. Modification does not include a substantial change in either the bed count or scope of the facility.

"Observation Days" means the number of days of service provided to outpatients for the purpose of determining whether a patient requires admission as an inpatient or other treatment. The observation period shall not exceed 48 hours.

"Occupancy Rate" means a measure of inpatient health facility use,

HEALTH FACILITIES PLANNING BOARD

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determined by dividing average daily census by the calculated capacity. It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

"Occupancy Target" means a minimum utilization level established by IDPH for a facility or service reflecting adequate access as well as operational efficiency.

"Patient Days" means the total number of days of service provided to inpatients of a facility over a 12-month period. This figure includes observation days if the observation patient occupies a bed that is included in the State Agency's Inventory of Health Care Facilities and Services as described in Section 1100.70.

"Population or Population Projections" means the latest estimates available as determined by IDPH.

"Planning Area" means a defined geographic area within the State established by the State Board as a basis for the collection, organization, and analysis of information to determine health care resources and needs and to serve as a basis for planning.

"Site" means the location of an existing or proposed facility. An existing facility site is determined by street address. In a proposed facility the legal property description or the street address can be used to identify the site.

"State Board" means the *Health Facilities Planning Board* established by the Act. [20 ILCS 3960/3]

"Unit" means the grouping of beds to provide a category of service. Units are physically identifiable areas which are staffed to provide all care required for particular service.

"Use Rate" means the ratio of inpatient days per 1,000 population over a 12-month period (Inpatient Days/Population in Thousands = Use Rate).

"Use Rate or Utilization Maximum" means a ceiling placed on an area's use or utilization rate in order to reduce the projected need for beds or services. Use rate maximums are designed to prevent the overestimation of needed beds in formulas which utilize historical demand. Maximums are used in planning areas where historical demand is inflated due to an immigration of patients from other planning areas.

"Use Rate or Utilization Minimum" means a lower limit placed on an area's use or utilization rate in order to inflate the projected need for beds or services. Use rate minimums are designed to promote the

HEALTH FACILITIES PLANNING BOARD

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development of beds in areas where historical utilization is too low to create a formula bed need. Low utilization is caused by a lack of services in the area or by an out migration of area residents to other areas for care.

"Utilization" means patterns or rates of use of a single service or type of service, within a given facility or also in combinations of facilities. Use is expressed in rates per unit of population at risk for a given period.

"Variance" means an exception to computed need based upon criteria or conditions for particular categories of service.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Processing, Classification Policies and Review Criteria

2) Code Citation: 77 Ill. Adm. Code 1110

3) Section Number: Proposed Action:
1110.320 Amendment
1110.530 Amendment

4) Statutory Authority: 20 ILCS 3960, Illinois Health Facilities Planning Act

5) A. Complete Description of the Subjects and Issues Involved: Changes are proposed to revise the State Board's rules regarding bed related review criteria and to revise the high occupancy variance under the Medical/Surgical, Obstetric, Pediatric and Intensive Care review criteria. These changes are requested to accommodate health care providers who are experiencing high occupancy at their facilities. This proposal would allow providers who are experiencing high occupancy to place additional beds into service by documenting projected population changes within their service area.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
1110.40	Amendment	24 Ill. Reg. 14918, October 13, 2000
1110.60	Amendment	24 Ill. Reg. 14918, October 13, 2000
1110.230	Amendment	24 Ill. Reg. 14918, October 13, 2000

10) Statement of Statewide Policy Objectives: The overall purpose of the Health Facilities Planning Act is to contain health care costs by preventing unnecessary construction or modification of health care facilities and to improve the "ability of the public to obtain necessary health services" and "establish an orderly and comprehensive health care delivery system that will guarantee the availability of quality health care to the general public." Currently, some health care providers in specific areas of Illinois are experiencing high occupancies at their facilities. This is resulting in crowded facilities and is potentially

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

hampering patient care. Under the State Board's current rules, providers can add beds to a facility by documenting high historical occupancy. With this proposal, providers would be able to place additional beds in service by demonstrating projected population increases within their service area.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of the *Illinois Register* to:

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Illinois Department of Public Health
525 West Jefferson Street, Second Floor
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(217) 785-4308 (fax)
800-547-0466 (TTY - for hearing impaired only)
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HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on this rulemaking shall indicate its status as such, in writing, in its comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Health care facilities that meet the definition of small business or not for profit corporation.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated.

The full text of the Proposed Amendments begins on the next page:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES
PLANNING BOARD
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

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AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg. 7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2991, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 7981, effective May 31, 1995, for a maximum of 150 days; emergency expired October

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27, 1995; emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2600; amended at 20 Ill. Reg. 4734, effective March 22, 1996; amended at 20 Ill. Reg. 14785, effective November 15, 1996; amended at 23 Ill. Reg. 2987, effective March 15, 1999; amended at 24 Ill. Reg. 6075, effective April 7, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE IN BED CAPACITY

Section 1110.320 Bed Related Review Criteria

a) Establishment of Additional Hospitals--Review Criterion. A proposed general hospital to be located within a Metropolitan Statistical Area (M.S.A.*) must contain a minimum of 100 MS beds.

AGENCY NOTE: *M.S.A.'s are defined and named in the U.S. Bureau of the Census Budget publication, Metropolitan Statistical Areas: 1984, available from the U.S. Government Printing Office, Washington, D.C. 20402.

b) Allocation of Additional Beds--Review Criterion. The applicant proposing to establish a category of service must document that access to the service will be improved. Documentation shall consist of at least one of the following:

- 1) the proposed service is not available within the planning area;
- 2) existing facilities have restricted admission policies resulting in access limitations;
- 3) existing service providers are experiencing occupancy levels in excess of the category of service target levels;
- 4) the travel time to existing service providers is excessive (exceeds 45 minutes) for area residents to be served by the project.

c) Addition of Beds to Existing Facilities--Review Criterion

1) The applicant must document that the addition of beds is necessary. Documentation shall consist of evidence that:

- A) existing inpatient bed services over the latest 12 month period have averaged ~~been-continually-utilized~~ at or above the target occupancy ~~or-higher~~; or
- B) when occupancy levels over that period fall below the target occupancy the services affected cannot be converted to provide the needed bed space due to architectural or programmatic considerations.

2) An applicant proposing to add beds while operating an acute care service (for purposes of this subsection, acute care services means: M-S, OB, Pediatrics, ICU, Acute Mental Illness, and Burn services) must document the appropriateness of the length of stay in existing services ~~service(s)~~. Documentation shall consist of a

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comparison of patient length of stay with other providers within the planning area. An applicant whose existing services have ~~services~~ a length of stay longer than that of other area providers must document that the severity or type of illness treated at the applicant facility is greater.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--
MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARESection 1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive
Care--Review Criteria

a) Unit Size--Review Criterion

- 1) Obstetrics
 - A) The minimum unit size for a new obstetric unit within a Metropolitan Statistical Area is 20 beds.
 - B) The minimum unit size for a new obstetric unit outside a Metropolitan Statistical Area is ~~seven-4~~ 7½ beds.
 - 2) Intensive Care. The minimum unit size for an intensive care unit is ~~4~~ four beds.
 - 3) Pediatrics. The minimum size for a pediatric unit within a Metropolitan Statistical Area is ~~16~~ sixteen beds.
- b) Variances to Bed Need--Review Criterion. The applicant must document one or more of the following.

- 1) High Occupancy Variance
 - A) The applicant must document that the applicant facility has experienced high occupancy. Documentation shall consist of evidence that the historical average annual occupancy rate has equaled or exceeded the target occupancy for the prior 24-month period ~~in each of the last two years for which data is available.~~

- B) The applicant must also document that the number of beds proposed will not exceed the number needed to reduce the facility's high occupancy to the target occupancy, or if the number of beds proposed exceeds the number of beds justified by the applicant's historical workload, then projections may be used. Utilization projections must be based upon the following:
 - i) projections shall be based upon population projections from the U.S. Bureau of the Census;
 - ii) projections shall be for a maximum period of 5 years from the date the application is submitted;
 - iii) projections shall be zip code and age-specific; and
 - iv) projections shall be based upon the applicant's service area as defined by historical patient origin.

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and shall not include projected changes in market share.

The projections provided must also demonstrate that the proposed number of beds will not exceed the number of beds needed to meet the target occupancy rate over the next 5 years.

2) Medically Underserved Variance

- A) The applicant must document that access to the proposed service is restricted in the planning area as documented by:
 - i) the absence of the service within the planning area;
 - ii) limitations on governmentally funded or charity patients;
 - iii) restrictive admission policies of existing providers;
 - iv) the area population and existing care system exhibit indicators of median care problems such as an average family income level below the State average poverty level, high infant mortality or designation as a Health Manpower Shortage Area; or
 - v) the project will provide service for a portion of the population who must currently travel over 45 minutes to receive service.
- B) Documentation shall consist of location and utilization of other planning area service providers; patient location information and all applicable time-travel studies; a certification of waiting times and scheduling or admission restrictions that exist in area providers; and an assessment of area population characteristics which would indicate an access problem.
- C) The applicant must also document that the number of beds proposed will not exceed the number needed at the target occupancy rate to meet the health care needs of the population identified as having restricted access.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
 140.416 Amendment
 140.417 Amendment
 140.418 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments relate to optometric services and materials that are covered under the Department's Medical Assistance Program.

Proposed changes in Section 140.416 eliminate coverage for frame parts that are obtained from any source other than the Department of Corrections (DOC) laboratory. Previously, the DOC laboratory did not manufacture frame parts, so Department coverage was provided for these materials to other sources such as optical suppliers. Since DOC now manufactures frame parts, as well as lenses and frames, payment for these items under the Medical Assistance Program will be made only to the DOC laboratory.

In Section 140.417, proposed changes eliminate prior approval requirements concerning a second pair of eyeglasses per year for medical assistance clients. A Department review of the Optometric Program in recent years shows that a second pair of eyeglasses is always covered when the physician or optometrist documents the client's medical need. Therefore, prior approval requirements are not necessary. Other changes in this Section allow coverage for a third pair of eyeglasses, with prior approval, when the necessity is warranted by a Department consultant for adults 21 years of age and older.

These proposed amendments will not result in any budgetary changes.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation
 140.11 Amendment June 30, 2000 (24 Volume Ill. Reg. 8800)
 140.12 Amendment June 30, 2000 (24 Volume Ill. Reg. 8800)

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- 140.21 Amendment June 30, 2000 (24 Volume Ill. Reg. 8800)
 140.21 Amendment October 6, 2000 (24 Volume Ill. Reg. 14593)
 140.22 Amendment October 6, 2000 (24 Volume Ill. Reg. 14593)
 140.494 Amendment August 4, 2000 (24 Volume Ill. Reg. 11539)
 140.502 Amendment June 30, 2000 (24 Volume Ill. Reg. 8800)
 140.503 Amendment June 30, 2000 (24 Volume Ill. Reg. 8800)
 140.505 Amendment June 30, 2000 (24 Volume Ill. Reg. 8800)
 140.506 Amendment June 30, 2000 (24 Volume Ill. Reg. 8800)
 140.700 Amendment June 30, 2000 (24 Volume Ill. Reg. 8800)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
 Office of the General Counsel, Rules Section
 Illinois Department of Public Aid
 201 South Grand Avenue East, Third Floor
 Springfield, Illinois 62763-0002
 (217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Physicians, optometrists, opticians and optical companies

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- B) Reporting, bookkeeping or other procedures required for compliance:
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

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- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
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 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
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 140.55 Recipient Eligibility Verification (REV) System
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 140.72 Voucher Advance Payment and Expedited Payments
 140.73 Drug Manual (Recodified)
 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 Hospital Services Trust Fund
 140.95 General Requirements (Recodified)
 140.96 Special Requirements (Recodified)
 140.97 Covered Hospital Services (Recodified)
 140.98 Hospital Services Not Covered (Recodified)
 140.100 Limitation on Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
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 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
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 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
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 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
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 140.410 Physicians' Services
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 140.416 Optometric Services and Materials
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140.528	Quality Incentive Survey (Repealed)
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140.530	Reviews (Repealed)
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140.551	Update of Operating Costs
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140.578	Capital Costs for Rented Facilities (Renumbered)
140.579	Property Taxes
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140.582	Cost Adjustments
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140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
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140.860	Covered Services (Repealed)
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
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140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
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140.904	Times and Staff Levels (Repealed)
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140.906	Reconsiderations (Recodified)
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140.908	Times and Staff Levels (Recodified)
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140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
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140.922	Maternal and Child Health Provider Participation Requirements
140.924	Client Eligibility (Repealed)
140.926	Client Enrollment and Program Components (Repealed)
140.928	Reimbursement
140.930	Payment Authorization for Referrals (Repealed)
140.932	

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.940	
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
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TABLE C	Capital Cost Areas
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TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective June 1, 1984; maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days;

amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12

111. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Section 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended

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at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 29, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993;

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emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; emergency amendment at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill.

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Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; amended at 25 Ill. Reg. _____, effective _____. .

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.416 Optometric Services and Materials

a) Payment for optometric services and materials shall be made to physicians, optometrists, opticians and optical companies.

b) Payment shall be made for the following optometric services and materials:

- 1) An eye examination by a physician or an optometrist for the purpose of determining the condition of the eye including the refractive state.
- 2) Frame ~~parts~~---frame repairs, contact lenses, artificial eyes and low vision devices provided by physicians, optometrists, opticians and optical companies.
- 3) Dispensing of optical materials.
- 4) Lenses, ~~frame parts~~ and frames provided by the Department of Corrections (DOC) laboratory.

c) Optometric services and materials for which payment shall not be made include:

- 1) Services which are not provided to address a recipient's particular visual problems or complaints.
- 2) Lenses, ~~and~~ frames and frame parts obtained from a source other than the DOC laboratory.
- 3) Trifocals.
- 4) Tinted lenses.
- 5) Provider's transportation costs.

d) Payment for services and materials shall be at the lesser of the provider's usual and customary charge or the maximums established by the Department pursuant to Section 140.400.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 140.417 Limitations on Optometric Services

Payment for the following optometric services and materials shall be made subject to the following limitations:

a) Payment shall be made for single vision lenses only when the following

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conditions are met:

- 1) The power is at least 0.75 diopters in either the sphere or cylinder component; or
- 2) The difference between the old and new prescription is at least 0.75 diopters in either the sphere or cylinder component.

b) Payment shall be made for bifocal lenses only when the following conditions are met:

- 1) For first bifocals, the power of the bifocal addition is at least 1.00 Diopter.
- 2) For a change in bifocal lenses, the power of the bifocal ~~addition~~ is changed by at least 0.50 -50 diopters or the distance power represents a change of at least 0.75 -75 diopters.

c) Payment shall be made for more than one examination per year only when the vendor documents the need for the additional examination.

d) Payment shall be made for more than one pair of eyeglasses or set of lenses per year only when the physician or optometrist documents:

- 1) that:
 - A) the most recent ~~original~~ pair of eyeglasses or set of lenses was lost or destroyed for reasons beyond the control of the recipient; or
 - B) there is a change in the prescription that meets the requirements in subsection (a)(2) or (b)(2) of this Section; and that

2) that the additional pair is medically necessary ~~essential~~---and obtains ~~prior~~---approval---from---the Department---in accordance with Section 140.40.

e) Payment for optometric materials dispensed by a supplier other than a physician or optometrist, except for replacement and repair items, shall be made only when they are prescribed by a licensed physician or optometrist.

f) Prior approval pursuant to Section 140.40 is required for the services and materials described in this subsection (f). ~~Payment---for---the following---shall---be---made---only---when---prior---approval---in---accordance---with Section---140.40---has---been---given---by---the---Department---~~ Approval shall be given when, in the judgment of a Department consultant ~~consulting physician~~, the requested item or service is appropriate.

- 1) Contact lenses and related contact lens services;
- 2) A third ~~second~~ pair of eyeglasses in one year for adults 21 years of age or older;
- 3) Custom made artificial eyes ~~artificial-eyes~~;
- 4) Low vision devices; and
- 5) Any item or service not specifically included in the schedule of procedures for optical services and supplies.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
130.535 Amendment
130.2125 Amendment
- 4) Statutory Authority: 35 ILCS 120
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds new thresholds requiring quarter-monthly payments. These requirements are per Public Act 91-541 and became effective October 1, 2000. This rulemaking also adds examples illustrating taxability and nontaxability with regard to trading stamps and discount coupons.
- 6) Will this proposed amendment replace an emergency amendment currently in effect: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part:? Yes

Section Numbers	Proposed Action	IL Register Citation
130.330	Amendment	05/26/00, 24 Ill. Reg. 7617
130.605	Amendment	09/08/00, 24 Ill. Reg. 13617
130.325	Amendment	09/29/00, 24 Ill. Reg. 14393
130.901	Amendment	11/13/00, 24 Ill. Reg. 16573
130.101	Amendment	11/17/00, 24 Ill. Reg. 16986
130.540	Amendment	11/17/00, 24 Ill. Reg. 16986

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed amendment may submit them in writing by no later than 45 days after publication of this notice to:

Karl Betz
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

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- a) All lenses, frames and frame parts ~~frames~~ shall be obtained from the Department of Corrections (DOC) laboratory. DOC shall not engage in "office" services, such as ~~e-g~~ examinations or dispensing of eyeglasses to recipients, but shall be the State's laboratory for fabrication of eyeglasses. Individual optical suppliers shall continue to provide examinations, ~~frame-parts~~ frame repairs, contact lenses, artificial eyes and low vision devices, as well as dispensing of eyeglasses obtained from the DOC laboratory. Payment for fabrication of eyeglasses shall be made by the Department of Public Aid directly to the Department of Corrections.
- b) ~~Utilization-of-the-Department-of-Corrections-laboratory-shall-apply-to individual-suppliers-as-they-are-phased-in-under-an-implementation schedule-which-is-to-conclude-in-May-1987-When-phase-in-is completed-no-individual-supplier-shall-be-paid-for-lenses-and-frames-Until-such-time-individual-suppliers-who-are-not-yet-phased-in-shall be-paid-directly-for-provision-of-lenses-and-frames-~~

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Retailers whose average annual monthly tax liability was \$20,000 or more during the preceding four calendar quarters, and retailers and purchasers in general.

B) Reporting, bookkeeping or other procedures required for compliance: Minimal.

C) Types of professional skills necessary for compliance: Accounting or bookkeeping.

13) Regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
130.101
130.105
130.110
130.111
130.115
130.120

Character and Rate of Tax
Responsibility of Trustees, Receivers, Executors or Administrators
Occasional Sales
Sale of Used Motor Vehicles by Leasing or Rental Business
Habitual Sales
Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section
130.201
130.205
130.210
130.215

130.220
130.225

The Test of a Sale at Retail
Sales for Transfer Incident to Service
Sales of Tangible Personal Property to Purchasers for Resale
Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
Sales to Lessors of Tangible Personal Property
Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.305
130.310
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130.320
130.321
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130.351

Farm Machinery and Equipment
Food, Drugs, Medicines and Medical Appliances
Fuel Sold for Use in Vessels on Rivers Bordering Illinois
Gasohol
Fuel Used by Air Common Carriers in International Flights
Graphic Arts Machinery and Equipment Exemption
Manufacturing Machinery and Equipment
Manufacturer's Purchase Credit
Automatic Vending Machines that Dispense Hot Food or Beverages
Pollution Control Facilities
Rolling Stock
Oil Field Exploration, Drilling and Production Equipment
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

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Section
130.401 Meaning of Gross Receipts
130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410 Cost of Doing Business Not Deductible
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 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
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 130.2007 Exemption Identification Numbers
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- Shows, Flea Markets and the Like
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- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
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- 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
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- 130.2130 Undertakers and Funeral Directors
- 130.2135 Vending Machines
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- 130.2155 Vendors of Signs
- 130.2156 Vendors of Steam
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- 130.2170 Warehousemen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg.

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3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. _____, effective _____.

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SUBPART E: RETURNS

Section 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

- a) Except as noted hereinafter, at the same time that a tax return required by the provisions of the Act is filed with the Department, the taxpayer shall pay the tax that is due with such return to the Department.
- b) Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of the Act, was \$10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins on or after January 1, 1988 and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month, or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such payments shall be credited against the final tax liability of the taxpayer's return for that month. Prior to January 1, 1999, if any such payment is not paid at the time or in the amount required in this subsection, then the taxpayer's 2%, 2.1% or 1.75% vendors' discount shall be reduced by 2%, 2.1% or 1.75% of the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, and the taxpayer shall be liable for penalties and interest on such difference except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. Beginning on and after January 1, 1999, if any such payment is not paid at the time or in the amount required in this subsection, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment

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- actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under the Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of the Act, was \$20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. (Section 3 of the Act)
- c) Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of \$25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is \$25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due. (Section 3 of the Act)
- d) If any such payment or deposit provided for herein exceeds the taxpayer's present and probable future liabilities under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum, which may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act. If no such request is made, the taxpayer may credit such excess payment against tax

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liability subsequently to be remitted to the Department under the Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

e) For the purposes of this Section, the phrase "preceding 4 complete calendar quarters" means the preceding 4 complete calendar quarters for which returns would have been filed or should have been filed for the last month of the 4 quarter period since, until then, the making of the required computations for the 4 quarter period would be impossible. For example, the preceding 4 complete calendar quarters with reference to a November 1, 1976, date would actually have ended June 30, 1976, since most returns for the last month of that 4 quarter period would not have to have been filed until July 31, 1976, and the preceding 4 complete calendar quarters with reference to a July 1, 1977, date would actually end March 31, 1977, since most returns for the last month of that 4 quarter period would not have to be filed until April 30, 1977. The calendar quarters are January through March, April through June, July through September and October through December.

f) Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department (see 86 Ill. Adm. Code 750 "Payment of Taxes by Electronic Funds Transfer") by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of \$100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of \$50,000 or more shall make all payments required by rules of the Department by electronic funds transfer.

g) Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act, and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. (Section 9 of the Act)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART S: SPECIFIC APPLICATIONS

Section 130.2125 Trading Stamps and Discount Coupons

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NOTICE OF PROPOSED AMENDMENTS

a) Trading Stamps

Persons who engage in the business of transferring tangible personal property upon the redemption of trading stamps shall be deemed to be engaged in the business of selling such tangible personal property at retail and shall be liable for and shall pay the tax imposed by the Retailers' Occupation Tax Act on the basis of the retail value of the property transferred upon redemption of such stamps. When merchandise is paid for partly in cash and partly by surrendering a trading stamp valued at a specific amount, the total amount (including the value of surrendered trading stamp) is subject to Retailers' Occupation Tax.

b) Discount Coupons

1) Where the retailer receives no coupon reimbursement:

If a retailer allows a purchaser a discount from the selling price on the basis of a discount coupon for which the retailer receives no reimbursement from any source, the amount of such discount is not subject to Retailers' Occupation Tax liability. Only the receipts actually received by the retailer from the purchaser, other than the value of the coupon, are subject to the tax. For example, if a retailer sells an item for \$10 and the purchaser provides the retailer with a \$1 in-store coupon for which the retailer receives no reimbursement from the manufacturer of the item or any other source, the retailer's gross receipts of \$9 are subject to Retailer's Occupation Tax.

2) Where the retailer receives full or partial coupon reimbursement:

A) If a retailer allows a purchaser a discount from the selling price on the basis of a discount coupon for which the retailer will receive full or partial reimbursement (from a manufacturer, distributor or other source), the retailer incurs Retailers' Occupation Tax liability on the receipts received from the purchaser and the amount of any coupon reimbursement. For example, if a retailer sells an item for \$15 and the purchaser provides the retailer with a \$5 manufacturer's coupon for which the retailer receives full reimbursement from the manufacturer of the item, the retailer's gross receipts of \$15 are subject to Retailers' Occupation Tax. Technically, the coupon issuer (the manufacturer in this example) owes the corresponding Use Tax on the value of the coupon. However, in many cases, the coupon issuer incorporates language into the coupon that requires the bearer (the purchaser in this example) to assume this Use Tax liability.

B) However, payments received by the retailer (from a manufacturer, distributor or other source) for handling charges or administrative expenses in processing coupons are not subject to the tax if those payments are clearly distinguished from coupon value reimbursement. In addition, if the retailer receives a discount from a manufacturer, distributor or other source when purchasing tangible

DEPARTMENT OF REVENUE
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personal property for resale, and, pursuant to a contract with that manufacturer, distributor or other source, the retailer issues discount coupons applicable to the sale of such property, such coupons shall not be deemed to be reimbursed by the manufacturer, distributor or other source.

c) Gift Situations
Where a retailer, manufacturer, distributor, or other person, issues a coupon which entitles the bearer to obtain an item of tangible personal property free of any charge whatever and not conditioned on the purchase of other property, the furnishing of such tangible personal property does not constitute a sale under the Retailers' Occupation Tax Act and the retailer does not incur Retailers' Occupation Tax liability with respect to such transfer. However, the retailer, manufacturer or distributor, or other person, issuing such a coupon, as donor, incurs Use Tax liability on his cost price of all tangible personal property actually transferred as a result of such coupon. (See Subpart C of the Use Tax Regulations.)
If a bearer (customer) presents a retailer with a coupon issued by the retailer that entitles the bearer to a free item and such coupon is not conditioned on a purchase, the retailer incurs Use Tax based upon its cost price of the item given away. However, if a bearer (customer) presents a retailer with a coupon issued by the manufacturer that entitles the bearer to a free item and such coupon is not conditioned on a purchase by the customer, the manufacturer incurs Use Tax based upon its cost price of the item given away. However, in many cases, the manufacturer incorporates language into the coupon that requires the bearer (customer) to assume this Use Tax liability.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS

1)	Heading of the Part: Illinois State Library, Information Services Division
2)	Code Citation: 23 Ill. Adm. Code 3010
3)	Section Numbers: Proposed Action:
	3010.10 Amend
	3010.20 Amend
	3010.40 Amend
	3010.50 Amend
	3010.60 New
	3010.110 Amend
	3010.130 Amend
	3010.140 Amend
	3010.150 Amend
	3010.160 Amend
	3010.170 Amend
	3010.180 Repeal
	3010.210 Amend
	3010.310 Amend
	3010.320 New
	EXHIBIT A New
	EXHIBIT B New
	EXHIBIT C New

- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320].
- 5) A Complete Description of the Subjects and Issues Involved: Revision of the rules to reflect needed updates regarding photocopying, circulation of materials, reserves of materials, reference services and interlibrary loan. The rules establish guidelines for patrons' access to the bookstacks; borrowing and lending policies for interlibrary loans materials; loan periods from overnight to four weeks; and the provision of photocopied materials in compliance with the U.S. Copyright Law. This rulemaking also converts all statutory references from Ill. Rev. Stat. citations to ILCS citations.
- 6) Will these proposed amendments replace and emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain and automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? The Illinois Library Information Network's (ILLINET) Interlibrary Loan Code and the National Interlibrary Loan Code are cited in Sections 3010.310.
- 9) Are there any other proposed amendments pending on this Part? No

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NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph A. Natale
Illinois State Library
300 S. Second
Springfield IL 62701
217/558-4185
jnatale@ilsos.net

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small increase in photocopying cost

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3010

ILLINOIS STATE LIBRARY, LIBRARY INFORMATION SERVICES DIVISION

SUBPART A: USE OF THE ILLINOIS STATE LIBRARY

Section
3010.10 Definitions
3010.20 Service Populations
3010.30 Hours of Service
3010.40 Library Stack Area
3010.50 Use by the General Public
3010.60 Copies

SUBPART B: COLLECTION ACCESS CENTER SECTION (CIRCULATION)

Section
3010.110 Circulation of Materials
3010.120 Materials for Loan
3010.130 Loan Periods
3010.140 Holds, Recalls Reserves and Renewals
3010.150 Return of Materials
3010.160 Replacement of Lost and/or Damaged Materials
3010.170 Theft of Materials
3010.180 Photocopies (Repealed)

SUBPART C: PUBLIC SERVICES REFERENCE SECTION

Section
3010.210 Reference Service

SUBPART D: RESOURCE SHARING BIBLIOGRAPHICAL-SUPPORT SECTION
(INTERLIBRARY LOAN)

Section
3010.310 Interlibrary Loan
3010.320 Resource Sharing Agreements

EXHIBIT A Temporary Stack Pass Application
EXHIBIT B Use of the Public Services Areas of the Illinois State Library
General Policies and Guidelines
EXHIBIT C Illinois State Library Card Application Form: Courtesy Card

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320].

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SOURCE: Amended July 18, 1973; rules repealed, new rules adopted and codified at 7 Ill. Reg. 13679, effective October 4, 1983; amended at 25 Ill. Reg. _____, effective _____.

SUBPART A: USE OF THE ILLINOIS STATE LIBRARY

Section 3010.10 Definitions

The following definitions in alphabetical order apply to this Part:

"Bibliographic Instruction" means the on-site education of patrons in the use of the State Library's collections, resources and equipment.

"Copies" means facsimile reproductions of information from any medium into the same or different medium.

"Employees of State government" means all persons employed by the State of Illinois excluding faculty and staff of state colleges and universities.

"General public" means persons other than the employees of the State of Illinois.

"ILLINET" means the Illinois Library and Information Network.

"Interlibrary loan" means a cooperative arrangement among libraries by which one library may borrow and lend material through established library channels using standard procedures from another library.

"Interstate library delivery service" means the delivery of library material between the four Reference and Research Centers of the State and other academic libraries.

"Officials and employees of State government" means all persons employed by the State of Illinois or elected or appointed to State office.

"Patron" means any person using the services of a library.

"Ready-Reference Service" means the provision of information that is readily available, brief in nature and/or easily verified.

"Research Service" means the provision of information that requires research and time to collect, verify and/or find.

"Special library" means a library organized to make desired information available to a particular organization or limited group.

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.20 Service Populations

- a) The Illinois State Library serves:
- Officials elected-officials and employees of Illinois State government as a special library, and
 - The general public citizens of the State as a Reference and Research Center (R&R) pursuant to the provisions of Section 12-06 of the Illinois Library Systems Act (Ill. Rev. Stat. 19017-CH. 120.17 par. 122).

- b) The Illinois State Library works cooperatively with other libraries and library organizations.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.40 Library Stack Area

The bookstack area of the State Library is closed except to the following persons:

- State Library employees.
- Maintenance personnel.
- Patrons who have pre-registered in writing a minimum of 72 hours in advance with a Library Services manager the Head of the Collection Control Section. The pre-registration shall be by means of a letter stating the patron's specific need for access to the stacks or by completing a form for temporary access. (See Exhibit A) Applications for privileges will be reviewed and authorized by a Library Services manager. In granting stack access privileges, the manager will consider whether the collection will meet the needs of the patron. Patrons must be in good standing with the State Library to receive stack privileges which must include the need for entrance to the bookstack area; the materials to be used; and the reason why they are unable to access the material via the call-slip method. No briefcases or other closed containers are allowed in the bookstack area. No food or drink is permitted in the stack areas.

- d) All stack access privileges shall have appropriate expiration dates assigned. Such privileges may be revoked at any time for violation of the State Library's rules or operating procedures.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.50 Use by the General Public

The general public is welcome to use the collections of the Illinois State

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Library on the premises during the State Library's regular hours of service, pursuant to the provisions of this Part. Library users must observe the general policies and guidelines for Use of the Public Service Areas of the Illinois State Library. (See Exhibit B.)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.60 Copies

- a) The State Library shall provide copies in answer to reference requests and interlibrary loan within the guidelines of the U.S. Copyright Law (17 USC 1 et seq.). The format and number of copies provided will depend upon the size and condition of the item to be copied.
- b) Regular borrowers, not engaged in work-related inquiries, and the general public shall be charged for copies at the following rates:

Black and white photocopies	\$.25 per square foot or fraction thereof
Color photocopies	\$1.00 per square foot or fraction thereof
Color scanning to user-provided disc	\$1.00 per square foot or fraction thereof

(Source: Added at 25 Ill. Reg. _____, effective _____)

SUBPART B: COLLECTION ACCESS CONTROL SECTION (CIRCULATION)

Section 3010.110 Circulation of Materials

- a) Direct borrowers

1) Regular borrower's card. Officials ~~When--the--materials--are related to their state government work--officials and employees of State government may borrow directly from the State Library's circulating system library by means of a regular borrower's card.~~ Eligible patrons must present their State identification badge/card in order to register for a regular borrower's card. When no identification is provided, State Library staff will verify the patron's State state employment by contacting either the patron's agency or the Comptroller.

2) Courtesy (general public or retired officials and employees of State government) borrower's card. Members of the general public or retired officials and employees of State government are eligible to borrow materials directly from the State Library's circulating collection. Patrons must present a valid Illinois public library card; valid current Illinois, non-resident library card; or proof of State of Illinois retirement status. Patrons

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must then complete the form (see Exhibit C) provided by State Library staff.

32) Special borrower's card. Any individual or organization needing to borrow materials directly from use the State Library's circulating collections for work related purposes may apply for study or research will be issued a special borrower's card. The Library Services manager or designee will base her/his decision to grant a card on whether the collection can reasonably meet the research needs of the applicant, for a period of six months by the State Librarian or his/her official designee.

4) Consortial agreements. The State Librarian or his/her designee may enter into mutually beneficial consortial agreements with other libraries for the purpose of resource sharing. Patrons of a consortial library are eligible to borrow materials directly from the State Library's circulating collection. Borrowers must present a currently valid institutional identification card bearing their name and identification number.

- b) Indirect borrowers

The State Library's circulating collection is ~~library materials--are available to State residents through the resource sharing provisions of ILLINET as supplements to local library collections--and--Illinois Library--System--collections--when such materials are not available in these collections.~~ Such borrowing shall be conducted by means of established interlibrary loan procedures.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.130 Loan Periods

Circulating materials are loaned for a period ranging from overnight to four weeks. Circulation periods for all materials are available upon request at the Illinois State Library Circulation desk.

- a) Materials are loaned

1) to direct borrowers for a period of four weeks, or
2) to indirect borrowers via interlibrary loan for a period of six weeks.

- b) Exceptions to the above are:

- 1) Pinstrips and 16mm films are loaned for specific show dates with time allowed for delivery both ways.
2) Framed art prints are loaned for use in the Springfield offices of State government officials and employees for a period of six months.
3) Census microfilm is loaned via interlibrary loan for a period of four weeks.
4) Special loans of reference materials not in use are made after 3:30 p.m. on any working day and are due prior to 0:30 a.m. the next working day.

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(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.140 Holds, Recalls Reserves and Renewals

- a) Holds may be placed Reserves--are--taken on all materials in circulation.
- b) Materials may be renewed for a period of four two weeks if the materials requested are not on hold reserve. Materials may be renewed a--maximum--of--two--times--Pruned-est-prints-may-be-renewed-only-once for a period of six months--filmstrips--ifmm-films-census-microfilm and reference materials may not be renewed.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.150 Return of Materials

- a) All borrowers are responsible for the return of materials borrowed from the State Library. Indirect--borrowers--must--return--materials either
- 1) by mail--paying--the--return--postage--and--insuring--the--materials--for--their--approximate--value--or
- 2) by the InterSystems Library Delivery Service--(IBDS)--through--their--Library--System.
- b) Direct borrowers may return materials:
- 1) to the circulation desk of the State Library during the State Library's regular hours,
 - 2) to the outdoor bookdrop located inside the northwest entrance--to the Centennial Building during the hours the library is closed,
 - 3) by the State state government messenger service, or
 - 4) by mail, paying the return postage and insuring the materials for their approximate value.
- c) Failure to return material on or before the due date will result in the initiation of the overdue/billing process.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.160 Replacement of Lost and/or Damaged Materials

- a) Direct and indirect borrowers who fail to return an item or damage an item beyond the point of usability will be billed for the current replacement cost of each item. The "replacement cost" is determined by the State Librarian or his/her designee and is equal to the cost to replace the item exactly in all physical aspects such as (but not limited to) edition, condition, preservation processes, binding type, paper quality, format, and author inscription.

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- b) The borrower will be billed a processing fee in addition to the replacement cost. The processing fee shall be determined by the State Librarian or his/her designee in accord with current statewide or national averages for library materials processing.
- c) Borrowers who are billed for a lost or damaged item may replace the item with a replica that is exact in every way within 30 days of the invoice date. The replacement must be exact in all qualities such as (but not limited to) edition, condition, preservation processes, binding type, paper quality, format, and author inscription. Replacements must be approved by the State Librarian or his/her designee. Extensions to the 30-day period for replacement may be granted by the State Librarian or his/her designee. Replacements that are not exact will be accepted pending approval by the State Librarian or his/her designee. The processing fee will be waived in the case of an accepted replacement. Replacements will be submitted by the borrower directly to the State Librarian or his/her designee.
- d) Direct borrowers who fail to pay for items they have lost or damaged shall have State Library privileges suspended until payment is made or replacement is received.
- e) Payment for materials lost or damaged as a result of interlibrary loans through ILLINET is governed by the ILLINET Interlibrary Loan Code (2000, Office of the Secretary of State, Illinois State Library, 4th floor, 300 S. Second Street, Springfield, IL 62701-1796). The material incorporated by reference includes no later amendments or editions.
- f) Payment for materials lost or damaged as a result of interlibrary loan to non-ILLINET libraries is governed by the most recent version of the National Interlibrary Loan Code.
- a) Direct borrowers are billed at the current--retail--replacement--price with an additional charge of \$10.00 to reimburse the State Library for replacement services--of--processing--for--any--materials--which--they--fail--to--return--or--which--they--damage--beyond--the--point--of--usability--After two--overdue--notices--have--been--sent--direct--borrowers--are--billed--for--lost--or--damaged--materials--The--billing--is--sent--five--weeks--after--the--date--due.
- b) Direct--borrowers--who--fail--to--pay--for--or--to--replace--items--which--they--have--lost--or--damaged--or--failed--to--return--shall--lose--their--borrowing--rights--until--payment--or--replacement--is--made.
- c) Replacement--of--materials--lost--or--damaged--through--IBDS--is--governed--by--the--IBDS--Policy--on--Replacement--of--Lost--and--Damaged--Materials--(Network-Memorandum--#77-1137--dated--August--24--1977).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.170 Theft of Materials

Theft of materials from the State Library's collections incurs liability under

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the provisions of Article 16B of the Criminal Code of 1961, such Article being entitled "Protection of Library Materials" [720 ILCS 5/Art. 16B] (1961 Rev. Stat., ch. 38, pars. 16B-1 et seq.)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.180 Photocopies (Repealed)

- a) The State Library shall provide photocopies in answer to a reference or research request within the guidelines of the B.S. Copyright Law (P.B. 94-553, 17 U.S.C. 1 et seq.) up to a maximum of 50 pages.
- b) Photocopy machines
- The general public and direct borrowers for material not related to the government work shall be charged 10¢ per page to use the copy machine located in the State Library.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

SUBPART C: PUBLIC SERVICES REFERENCE SECTION

Section 3010.210 Reference Service

- a) Bibliographic instruction is available to any on-site patron.
- b) Ready Reference Service is provided to all patrons.
- c) Research Service is provided to officials and employees of State government for work-related assignments.
- d) Officials and employees of State government conducting non-work related inquiries and members of the general public who are in need of in-depth reference services will be referred to their local public, academic, or institutional libraries. Individuals engaged in such inquiries may avail themselves of the resources of the State Library for independent study and may request such bibliographic instruction as may be necessary to utilize the State Library's resources and collections. State Library staff will provide guidance and suggestions on specific resources and libraries that may be of use to the patron.
- a) Governmental research services are available to all holders of regular borrower's cards. The State Library will provide appropriate special programs designed to meet the informational needs of State government. Examples of special programs may include but are not limited to: the indexing of General Assembly floor debates; the duplication of census microfilm and the publication of a statewide association directory.
- b) As a Reference and Research Center, the State Library provides supplemental reference service to all Illinois citizens via IBNET.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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SUBPART D: RESOURCE SHARING BIBLIOGRAPHICAL-SUPPORT SECTION
(INTERLIBRARY LOAN)

Section 3010.310 Interlibrary Loan

- a) Borrowing
- 1) Patrons holding a regular borrower's card are eligible for interlibrary loan service for work-related materials.
- 2) Patrons are responsible for adhering to all conditions placed on the interlibrary loan by the lending library.
- 3) Patrons are responsible for the safe return of interlibrary loan material to the State Library and are liable for fees associated with lost or damaged materials as determined by the lending library. Patrons who fail to pay for items they have lost or damaged shall have all State Library privileges suspended until payment is made.
- b) Lending
- 1) Material from the State Library's circulating collection may be requested by any public, special, academic or school library on behalf of the library's patrons. Individuals may receive these materials through a library from which they are eligible to borrow.
- 2) Loan of materials to ILLINET libraries are made in accordance with the provisions of the ILLINET Interlibrary Loan Code (2000, Office of the Secretary of State, Illinois State Library, 4th floor, 300 S. Second Street, Springfield, IL 62701-1796). The material incorporated by reference includes no later amendments or editions. Loans of materials to non-ILLINET libraries are made in accordance with the provisions of the most recent version of the National Interlibrary Loan Code (1994, American Library Association, 50 E. Huron St., Chicago, IL 60611).
- a) Patron's holding regular borrower's cards are eligible for interlibrary loan service for materials that relate to their government work.
- b) State library materials may be requested on interlibrary loan by Illinois library systems on behalf of the system's local libraries. Residents receive these materials through a library from which they are eligible to borrow. Persons living in areas untaxed for library service must become registered borrowers of a library in accordance with the area's library system's requirements in order to have access to the State Library's materials on interlibrary loan.
- c) The State Library provides interlibrary loans to the headquarters libraries of Illinois library systems, to Illinois academic libraries, school libraries, and to special libraries within the state according to the provisions of the Interlibrary Loan Code for Illinois (IBNET Interlibrary Loan and Informational Requests Procedures Manual 1976)

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Section 3010. EXHIBIT A Temporary Stack Pass Application

TEMPORARY STACK PASS APPLICATION

NAME _____
ADDRESS _____

TELEPHONE _____
DATE _____

COLLECTION NEEDS (describe):

Approved by _____ Date _____
Name of Library Services Manager

Expiration Date _____

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adopted by the Reference and Research Centers and the Illinois Library Systems:

- d) The State Library also provides interlibrary loans to libraries outside the state of Illinois in accordance with the provisions of the National Interlibrary Loan Code (1980) which the State Library supports. The State Library may enter into other cooperative borrowing arrangements at the discretion of the State Librarian.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 3010.320 Resource Sharing Agreements

The State Library may enter into cooperative interlibrary loan arrangements at the discretion of the State Librarian or his/her designee.

(Source: Added at 25 Ill. Reg. _____, effective _____)

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ILLINOIS STATE LIBRARY

INTRODUCTION TO THE STACKS FOR PATRONS WITH STACK PRIVILEGES

1. Food or drink are not allowed in the stack area at any time.
2. Sign in and out at the Circulation Desk and wear the stack pass at all times. Return the pass to the desk when you sign out. Any patron not wearing the stack pass will be asked to vacate the stacks immediately. Secretary of State security will be notified if the patron fails to comply with this request.
3. Report problems with the compact shelving to stacks staff, if available. If not, report to the Circulation Desk. Patrons are not to ratchet the shelving units.
4. If the alarm sounds, you must leave the building through the emergency exits you were shown during your orientation.
5. Stacks staff who are retrieving materials have priority use of the modules. You are encouraged to take materials to the back counter where you may sit and use them. Please do not stand in the aisles while using materials.
6. When you are finished with the materials, please place them on the counter next to the elevator. The stacks staff will reshelf them for you.
7. Patrons are not allowed to use the Translogic booklift. It is for staff use only. If you wish to transport a large number of items to the Reference Room, etc., please contact the stacks staff or someone at the Circulation Desk to assist you.

STACK PASSES

To Apply for Stack Pass:

1. Requester must send a letter on agency letterhead to: Library Services Division, c/o Illinois State Library, stating the reason for requesting a stack pass or complete the Temporary Stack Pass Application.
2. Requester will be notified of approval and added to the list of persons with stack access.
3. No one is allowed in the stacks without stack access approval -- unless accompanied by a reference librarian.
4. Persons wishing to accompany someone with stack access must also have stack access approval.

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5. Each person with stack access will be given a short orientation. Orientation includes review of written information in the sign-in book; information on running the compact shelving; location of fire exits, etc. Copies of the written information in the sign-in book are given to patron for future reference.
6. Library Service Division managers and stacks staff are authorized to give orientation.
7. Library Service Division managers can authorize stack access, daily and/or permanent.

(Source: Added at 25 Ill. Reg. _____, effective _____)

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Section 3010. EXHIBIT B Use of the Public Services Areas of the Illinois State Library: General Policies and Guidelines

Use of the Public Services Areas of the Illinois State Library:
General Policies and Guidelines

Library Patrons' Responsibilities

Patrons are expected to observe the rights of other patrons and staff members and to use the library for its intended purposes.

The following will not be allowed in the library:

- any behavior that endangers the safety or health of others
- harassment of library patrons or staff
- violation while in the library of any local, state, or federal law
- vandalism, theft, or deliberate destruction of library materials or property
- deliberate disruption of library procedures or violation of Secretary of State policies
- use of abusive language
- behavior or decorum that disturbs or could disturb other patrons
- smoking, eating or drinking except in designated areas
- any action, activity or condition that obviously causes a public health threat

Any patron (including any minor) who is behaving in an inappropriate manner will be asked to leave the library.

A patron who repeatedly violates these rules may be permanently prohibited from entering the State Library and will be subject to the suspension of library privileges by authority of library security and/or library management.

The police will be summoned in cases in which a patron poses a danger to himself or others, deliberately violates the law, or refuses to leave the library after being asked to do so.

Use of Computer Equipment

Except for state employees conducting State business, individual sessions are limited to one hour.

Library staff is solely responsible for the maintenance of computer equipment. Patrons may not tamper with equipment. Report printer supply needs, jams, and other problems to the reference desk staff.

The use of personal software is prohibited.

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Printing:

- State employees, not engaged in work-related inquiries, and the general public shall be given a maximum of 20 sheets for printing.
- Patrons may not supply their own paper.
- Patrons may only print on one side of a sheet of paper.

Downloading files:

- Files may be downloaded to floppy disks only (drive A). Downloading to the hard drive (C) is prohibited.
- Disks are available at the reference desk for State employees conducting work-related research.
- Personal disks must be virus-checked by library staff prior to use.

Electronic Networks: Guidelines for Use

The Illinois State Library requires that library patrons using electronic information networks such as the Internet do so within the guidelines of acceptable use. The following activities are unacceptable and may result in loss of library privileges:

- use of electronic information networks for any purpose that results in the harassment of other users or the promotion of violence
- violation of system security; destruction of, damage to, or unauthorized alteration of:
 - 1) the library's computer equipment software
 - 2) network security procedures
- use of electronic information networks in any way that violates federal or State law
- use of electronic information networks in any way that violates licensing and payment agreements between the Illinois State Library and network/database providers
- unauthorized duplication of copy protected software or violation of software license agreements
- behaving in a manner that is disruptive to other users, including, but not limited to, overuse of computer equipment that serves to deny access to other users
- ending, receiving, or displaying text or graphics that may be reasonably construed as obscene.

About Children and the State Library

Internet access at the Illinois State Library is unfiltered. The Illinois State Library supports the right of all library users to have access to information and will not deny access to electronic information networks based solely on age. However, library staff is unable to monitor children's use. Additionally, the Illinois State Library cannot act as a censor or substitute

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Section 3010. EXHIBIT C Illinois State Library Card Application Form - Courtesy Card

ILLINOIS STATE LIBRARY CIRCULATION 300 S. SECOND ST. SPRINGFIELD, IL 62701-1796	
ILLINOIS STATE LIBRARY CARD APPLICATION FORM - COURTESY CARD	
DATE	NAME (first) (last) (m.i.)
HOME INFORMATION	
STREET	
CITY	
ZIP	
PHONE	
WORK INFORMATION	
BUSINESS	
STREET	
CITY	
ZIP	
PHONE	
PUBLIC LIBRARY CARD INFORMATION	
LIBRARY	
CARD #	
EXPIRATION	
STAFF USE ONLY	
Library Card Expiration Date.	
I HEREBY PROMISE TO ASSUME FULL RESPONSIBILITY FOR ANY LIBRARY MATERIALS BORROWED ON THIS CARD. I WILL RETURN THE MATERIALS ON OR BEFORE THE DATE DUE, PAY RETURN POSTAGE OR EXPRESS, AND PAY FOR ANY LOSSES OR DAMAGES. I FURTHER ACKNOWLEDGE THAT DISCLOSURE OF MY SOCIAL SECURITY ACCOUNT NUMBER IS VOLUNTARY AND REQUESTED PURSUANT TO ILCS 320/10 FOR THE PURPOSE OF MAINTAINING A REGISTRY OF ALL BOOKS AND OTHER MATERIALS LOANED BY THE ILLINOIS STATE LIBRARY. ALL PATRON RECORDS ARE KEPT STRICTLY CONFIDENTIAL.	
SIGNATURE	
SOCIAL SECURITY #	
SIGNATURE OF RESPONSIBLE PARTY FOR CHILDREN UNDER 13:	
STAFF USE ONLY	
Barcode	
Staff Initials	
This application is subject to review by the Illinois State Library Circulation Staff. Applicants will be contacted for further information if necessary.	

(Source: Added at 25 Ill. Reg. , effective)

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parent.

Children ages 17 and over may use the library without adult supervision.

Children ages 12 - 16 must either:

-- be accompanied and supervised at all times by an adult OR
-- file with the Illinois State Library a completed copy of the "Permission for Library Use" form.

Children ages 11 and under are not permitted to use the resources of the Illinois State Library without adult supervision.

Teachers, docents, or guardians of tour groups of children are responsible for their groups' actions, including Internet use.

The Illinois State Library recognizes that electronic information networks such as the Internet may contain material that is inappropriate for children. Parents are expected to monitor and supervise their children's use of the Internet. Parents are encouraged to discuss with their children issues of appropriate use and electronic information network safety. It is the parents'/guardians' responsibility to ensure that their children's use of the Internet is appropriate and safe. The Illinois State Library recommends the pamphlet "Child Safety on the Information Highway" from the National Center for Missing and Exploited Children (<http://www.ncmec.org>). Copies are available at the reference desk.

AGENCY NOTE: Use of the Public Services Areas of the Illinois State Library: General Policies and Guidelines has been developed in accordance with the following Sections of the Illinois Compiled Statutes, the United States Code, and the Illinois Administrative Code:

- 15 ILCS 320/2 (State Librarian)
- 720 ILCS 5/11-20.1(b)(2) (Child pornography/affirmative defense)
- 720 ILCS 5/16B-2 (Library theft)
- 720 ILCS 5/16B-2.1 (Criminal mutilation or vandalism of library materials)
- 720 ILCS 5/Art. 16D (Computer Crime)
- 720 ILCS 5/26-1(a)(1) (Disorderly conduct)
- 17 USC 106 (Exclusive rights in copyrighted works)
- 17 USC 117 (Limitations on exclusive rights: computer programs)
- 23 IAC 3010.170 (Theft of materials)

(Source: Added at 25 Ill. Reg. , effective)

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(Source: Added at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Admission to and Discharge from Illinois Veterans Homes
- 2) Code Citation: 95 Ill. Adm. Code 107
- 3) Section Number: Proposed Action:
107.10 Amend
107.20 Amend
107.30 Amend
107.40 Amend
107.50 Amend
- 4) Statutory Authority: 20 ILCS 2805
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking changes the reference from Superintendent to Administrator and the United States Veterans Administration to the Department of Veterans Affairs (USDVA). It also updates the Illinois Veterans' Home admission and discharge requirements to comply with current State statutes, Illinois Department of Public Health regulations, USDVA regulations and Department policies.
- 6) Will this proposed rule replace any emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will neither create nor expand a state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Please mail written comments, within 45 days of the publication of this *Illinois Register*, to the attention of:

Donald Bullerman
833 S. Spring Street - PO Box 19432
Springfield IL 62794-9432
217/785-7208

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The Department will continue to follow current agency policy,

DEPARTMENT OF VETERANS' AFFAIRS

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procedures and compliance measures.

C) Types of professional skills necessary for compliance: The Department will continue current agency staff to comply with this rule.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department is currently reviewing and examining all agency rules.

The full text of the Proposed Amendments begins on the next page:

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TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRS

PART 107

ADMISSION TO AND DISCHARGE FROM ILLINOIS
VETERANS HOMES

Section
107.10 Admission of Veterans
107.20 Admission of a Spouse of a Veteran
107.30 Admission of Widow or Widower of a Veteran
107.40 Admission of an Applicant Discharged or Paroled from From a Penal Institution
107.50 Discharge from Homes

AUTHORITY: Implementing and authorized by the Department of Veterans Affairs Act [20 ILCS 2805].

SOURCE: Filed and effective December 15, 1977; amended at 6 Ill. Reg. 5188, effective April 14, 1982; codified at 6 Ill. Reg. 8439; amended at 12 Ill. Reg. 14356, effective August 30, 1988; amended at 25 Ill. Reg. _____, effective _____.

Section 107.10 Admission of Veterans

- a) The Administrator ~~A-Superintendent~~ may admit to an Illinois Veterans Home any honorably discharged ex-service man or woman, provided the applicant:
- 1) Has served in the armed forces of the United States at least 1 day ~~in-the-Spanish-American-War, World-War-I, World-War-II, or the--Korean--Conflict--or--the-Vietnam-Campaign~~ between the dates recognized by the United States Department of Veterans' Affairs (USDVA) ~~Veterans--Administration~~, see 38 USC U-S-G- 101 et seq. for specific dates, or between any other present or future dates recognized by the USDVA ~~Veterans-Administration~~ as a war period for purposes of eligibility for domiciliary or nursing home care, or has served on active duty in the armed forces for one year for purposes of eligibility for domiciliary care only; and
 - 2) Has service accredited to the State of Illinois or has been a resident of this State for one year immediately preceding the date of application; and
 - 3) Is disabled by disease, wounds, or otherwise, and by reason of such disability is incapable of earning a living. ~~7-and~~
- 4) ~~Does--not--have--a--condition--that--precludes-his-or-her-being-safely housed--with--aged-or-infirm-persons.~~
- b) Applicants with a history of aggressive or self-abusive behavior may be admitted only if the Home has in place appropriate, effective and individualized programs to manage the resident's behaviors and

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adequate, properly trained and supervised staff to administer the programs. An applicant denied admission because of any one or more of these conditions shall be advised fully of eligibility for care in a veterans-administration USDVA, State state, county, or city hospital, or other Home.

c) No applicant/resident determined by professional evaluation to be in need of services not readily available in a particular Home, or distinct part of a Home, or through arrangement with a qualified outside resource, shall be admitted to or kept in that Home, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Illinois Nursing Home Care Act [210 ILCS 45]. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided.

d) Before a prospective resident's admission to a Home, the Home shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumonococcal pneumonia.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 107.20 Admission of a Spouse of a Veteran

a) The Administrator Superintendent of the Illinois Veterans' Homes Home at Quincy and Anna may admit the spouse of a veteran who is making application, provided the veteran meets the eligibility requirements and the spouse:

- 1) Has been married to the veteran for at least five years prior to making application; and
- 2) Has no adequate means of support and is unable to earn a living; and
- 3) Is at least 55 years of age.

3) ~~Does not have a condition that precludes her or his being--safety housed--with-aged-or-infirm-persons.~~

b) Preference for filling vacant beds or for filling vacant beds from a waiting list shall first be granted to eligible veterans.

c) Applicants with a history of aggressive or self-abusive behavior may be admitted only if the Home has in place appropriate, effective and individualized programs to manage the resident's behaviors and adequate, properly trained and supervised staff to administer the programs. An applicant denied admission because of any one or more of these conditions shall be advised fully of eligibility for care in a State state, county, or city hospital, or other Home.

d) Before a prospective resident's admission to a Home, the Home shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumonococcal pneumonia.

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 107.30 Admission of Widow or Widower of a Veteran

a) The Administrator Superintendent of the Illinois Veterans' Homes at Quincy and Anna Home may admit the widow or widower of a veteran provided the veteran's military service meets the eligibility requirements, vacant beds exist, and the widow or widower:

- 1) Has lived in the State of Illinois for a continuous period of at least one year immediately before prior-to making application; and
- 2) Has no adequate means of support and is unable to earn a living; and
- 3) Is at least 55 years of age.

~~Does not have a condition that precludes her or his being--safety housed--with-aged-or-infirm-persons.~~

b) Preference for filling vacant beds or for filling vacant beds from a waiting list shall be granted first to eligible veterans.

c) Applicants with a history of aggressive or self-abusive behavior may be admitted only if the Home has in place appropriate, effective and individualized programs to manage the resident's behaviors and adequate, properly trained and supervised staff to administer the programs. An applicant denied admission because of any one or more of these conditions shall be advised fully of eligibility for care in a State state, county, or city hospital, or other Home.

d) Before a prospective resident's admission to a Home, the Home shall advise the prospective resident to consult a physician to determine whether the prospective resident should obtain a vaccination against pneumonococcal pneumonia.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 107.40 Admission of an Applicant Discharged or Paroled from a Penal Institution

The Administrator A-Superintendent may admit an applicant who has been discharged or paroled from a penal institution provided he meets the eligibility requirements set forth above.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 107.50 Discharge from Homes

a) Discharge from a Home shall be made when a resident: ~~let~~ Is rehabilitated to the point where he (she) is no longer

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

disabled.

- 2)b) Develops a chronic medical condition that which is so severe that it cannot be treated appropriately at a Home or distinct part of a Home, or through arrangement with a qualified outside resource, provided that all involuntary discharges and transfers shall be in accordance with Article III, Part 4 of the Illinois Nursing Home Care Act [210 ILCS 45/Art. III, Part 4].
- 3)c) Is permanently transferred to another facility or living arrangement.
- 4)d) Poses such serious and consistent behavioral problems that he/she is a danger to him/herself or to others.
- 5)e) Fails to pay the established maintenance fee or other legitimate charges within a reasonable time period.
- b) A Home shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if the resident is incompetent, by the resident's guardian.
- c) If a resident insists on being discharged and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's clinical record.
- d) A Home shall document all leaves and temporary transfers. The documentation shall include date, time, condition of resident, person to whom the resident was released, planned destination, anticipated date of return, and any special instructions on medication dispensed.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Duties of the Superintendents of the Illinois Veterans Homes
- 2) Code Citation: 95 Ill. Adm. Code 106
- 3) Section Number: Proposed Action:
106.10 Amend
106.20 New Section
- 4) Statutory Authority: P.A. 90-186 effective July 23, 1997
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking changes "Superintendent" to "Administrator" in Section 106.10 (Duties) and adds the new Section 106.20 (State and Federal Regulations) to identify applicable statutes, rules and regulations for the Administrators to comply with in the on-going operation and management of the Illinois Veterans' Homes.

6) Will this proposed amendment replace any emergency amendment in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes.

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
<u>Authority Note</u>	<u>Amended</u>	<u>24 Ill. Reg. 8825 - 6/30/00</u>

10) Statement of Statewide Policy Objectives: This rulemaking will neither create nor expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Please mail written comments, within 45 days of the publication of this *Illinois Register*, to the attention of:

Donald Bullerman
833 S. Spring Street - PO Box 19432
Springfield IL 62794-9432
(217) 785-7208

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance: None

- 13 Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was not anticipated.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 95: VETERANS AND MILITARY AFFAIRS

CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRS

PART 106

DUTIES OF THE ADMINISTRATORS SUPERINTENDENTS OF THE
ILLINOIS VETERANS HOMES

Section

106.10 Duties

106.20 State and Federal Regulations

AUTHORITY: Implementing and authorized by the Department of Veterans' Affairs Act [20 ILCS 2805].

SOURCE: Filed and effective December 15, 1977; codified at 6 Ill. Reg. 8438; amended at 12 Ill. Reg. 14361, effective August 30, 1988; amended 25 Ill. Reg. _____, effective _____.

Section 106.10 Duties

Subject to administrative approval, each Administrator Superintendent of an Illinois Veterans' Veterans Home shall be responsible for the operation of that Home facility in accordance with the State and Federal law, State and Federal and-with-the rules and regulations, and policies and procedures of the Illinois Department of Veterans' Affairs (Department). Each Administrator Superintendent shall provide available program services particular to his (her) Home Facility for care, treatment, rehabilitation, and comfort of his (her) residents resident. Each Administrator Superintendent shall be responsible for the safety and care of the residents and for the provision of programs of recreational and social activities to meet the special needs of the residents.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 106.20 State and Federal Regulations

The Homes shall comply with the following:

a) State

- 1) Illinois Nursing Home Care Act [210 ILCS 45]
- 2) Illinois Veterans Home Code [77 Ill. Adm. Code 340]
- 3) Admission to and Discharge from Illinois Veterans Homes [95 Ill. Adm. Code 107]
- 4) Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes [95 Ill. Adm. Code 108]
- 5) Funeral and Burial Procedures for Residents of the Illinois Homes [95 Ill. Adm. Code 109]

b) Federal

- 1) Reasonable Charges for Medical Care or Services [38 CFR 17]

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- 2) Per Diem for Nursing Home Care of Veterans in State Homes [38 CFR 51]
3) Forms [38 CFR 58]

(Source: Added at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF VETERANS' AFFAIRS

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- 1) Heading of the Part: Funeral and Burial Procedures for Members of the Illinois Homes

2) Code Citation: 95 Ill. Adm. Code 109

Section Number:	Proposed Action:
109.10	Amend
109.20	Amend
109.30	Amend
109.40	Amend
109.50	Amend
109.70	Amend
109.80	Amend
109.90	Amend
109.100	Amend
109.110	Amend

4) Statutory Authority: 20 ILCS 2805

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates statutory references in the Authority Note. It changes the reference from Superintendent to Administrator and the United States Veterans Administration to the Department of Veterans Affairs. (USDVA). It also updates the Illinois Veterans' funeral and burial requirements to comply with current State statutes, Illinois Department of Public Health regulations and USDVA regulations and Department policies.

6) Will this proposed amendment replace any emergency amendment in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will neither create nor expand a state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Please mail written comments, within 45 days of the publication of this Illinois Register, to the attention of:

Donald Bullerman
833 S. Spring Street - PO Box 19432
Springfield IL 62794-9432
217/785-7208

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The Department will continue to follow current agency policy, procedures and compliance measures.
- C) Types of professional skills necessary for compliance: The Department will continue current agency staff to comply with this rule.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department is currently reviewing and examining all agency rules.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRS

PART 109

FUNERAL AND BURIAL PROCEDURES FOR
RESIDENTS MEMBERS OF THE ILLINOIS HOMES

Section	
109.10	Administration of Burials
109.20	Burial Funds
109.30	Custodian of Personal Effects and Funds
109.40	Burial Requests
109.50	Burials in a Home Home's Cemetery
109.60	Proper Respect at Funeral
109.70	Eligibility for Burial in a Home Cemetery
109.80	Headstones and Markers
109.90	Memorial Day Ceremonies
109.100	Disinterment of Remains in a Home Cemetery
109.110	Permanent Burial Records

AUTHORITY: Implementing and authorized by Section 29 of the Children and Family Services Act [20 ILCS 505/29] and Sections 2 and 2.06 of the Department of Veterans Affairs Act [20 ILCS 2805/2 and 2.06].

SOURCE: Filed and effective December 15, 1977; codified at 6 Ill. Reg. 8442; amended at 12 Ill. Reg. 3785, effective January 26, 1988; amended at 25 Ill. Reg. _____, effective _____.

Section 109.10 Administration of Burials

It shall be the duty of the Administrator Superintendent of an Illinois Veterans' Home to assist in provide for the administration of proper burials of residents members of the Home, including notification of next of kin and other concerned individuals and agencies.

(Source: Amended at 25 Ill. Reg. _____, effective _____, _____)

Section 109.20 Burial Funds

- a) The Administrator may A-Superintendent-shall require each non-veteran widow or widower admitted to a Home, if he or she has an income of more than \$100 \$50-00 monthly, to deposit in a resident's trust fund a portion of his or her income monthly for the purpose of creating a burial fund in the amount of not less than \$600 \$500-00. Proof of pre-established burial fund, insurance, Social Security Death Benefit, or other burial benefits may cause this amount to be reduced accordingly, or waived, provided proof is filed with Adjutant's

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Office.

- b) When a widow or widower who does not have income to establish a sufficient burial fund dies, he or she will be provided burial at the nearest State or Federal veterans cemetery or such alternate site as approved by the Department. Institution not to exceed \$600 \$959-00. If the next of kin requests burial elsewhere, the total expense must then be paid by the estate or next of kin and no allowance will be provided by the State of Illinois.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 109.30 Custodian of Personal Effects and Funds

The Administrator A--Superintendent shall be the custodian of all personal effects and funds of the deceased resident member and, upon certificates as designated by law, shall release all effects and funds to the resident's estate legal--heirs. Under certain circumstances, it may become necessary to forward the resident's personal effects to another location. In this event, the shipping expenses will be incurred by the resident's estate, not by the Home.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 109.40 Burial Requests

The Administrator A--Superintendent shall act upon burial requests as made by the resident member and on file in the Adjutant's Office. No specific requests being made, he [she] shall upon request have delivered to the nearest relative the body of the deceased resident member. The nearest relatives shall be defined as:

- a) the nearest blood relation as cited in 755 ILCS 5/2-1, and
b) those entitled to the personal effects under statutory provisions relating to distribution of intestate estates.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 109.50 Burials in a Home Home's Cemetery

All burials in the a Home's cemetery at the Illinois Veterans' Home at Quincy or Manteno shall be conducted in accordance with military custom, if at all possible. The Home chaplain shall conduct services unless other arrangements have been made by the next of kin. The Adjutant shall act as the Administrator's Superintendent's representative to see that proper burial services are conducted. The flag of our country shall be properly placed on the casket and removed at the grave and presented to the next of kin.

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(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 109.70 Eligibility for Burial in a Home Cemetery

Any resident Persons-eligible-for-residency in a Home shall be eligible for burial in the Home cemetery. All work incident to interments in a the cemetery shall be done by State state labor, free of cost to relatives and friends.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 109.80 Headstones and Markers

- a) A United States government headstone or marker bearing the name and other identifying data shall be placed at each grave in the Veterans' Home Cemetery. Erection of private monuments shall not be permitted at the Veterans' Home Cemetery. State employees shall set headstones erected at the Veterans' Home Cemetery. Headstones--shall--be--set--by state-employees--

- b) Erection of headstones and markers at other than Veterans' Home cemeteries shall be the responsibility of the next of kin or estate.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 109.90 Memorial Day Ceremonies

The Administrator A--Superintendent shall cause appropriate ceremonies to be held each Memorial Day in the cemetery or upon the grounds of a Home.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 109.100 Disinterment of Remains in a Home Cemetery

The disinterment of the remains of a resident buried in a Home cemetery must be approved by the Administrator and the Director of the Illinois Department of Veterans' Affairs. Prior Superintendent--prior special permission must be being granted by the County Health Department, and the proper health authorities at the point of destination for reinterment of the remains. All expenses incidental to disinterment, transportation, and reburial shall be defrayed by the family of the deceased.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 109.110 Permanent Burial Records

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The Administrator A-Superintendent shall assure that permanent burial records be maintained in accordance with State and local laws for of all interments in a Home cemetery and kept in the Adjutant's Office. The Administrator and the Director of the Illinois Department of Veterans Affairs shall establish and implement written policies and procedures governing these records.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:
120.11 Amendment
- 4) Statutory Authority: Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1]
- 5) Effective Date of Amendments: December 7, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register? 24 Ill. Reg. 3953, March 17, 2000
- 10) Has JCAR issued a statement of objection to these amendments? No
- 11) Differences between proposal and final version? None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of Amendment: This amendment adopts the most recent editions of standards. These standards will keep Illinois requirements parallel to the nationally recognized standards for construction and inspection of boilers and pressure vessels.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. David Douin, Superintendent of Boiler Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259
217/782-2696

OFFICE OF THE STATE FIRE MARSHAL

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The full text of the adopted amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER 1: STATE FIRE MARSHAL

PART 120

BOILER AND PRESSURE VESSEL
SAFETY

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section

120.4

Foreward (Repealed)

120.7

Kindly Observe the Following Briefs and Avoid Unnecessary
Inconvenience (Repealed)

120.10

Definitions

120.11

Incorporation of National Standards

120.15

Fees

120.20

Administration

120.30

Inspectors, Examinations, Certificate of Competency and Commission

120.41

Special Inspector Trainee (Repealed)

SUBPART B: CONSTRUCTION, INSTALLATION, INSPECTION, MAINTENANCE, AND USE

Section

120.100

New Installations of Boilers, Miniature Boilers, Heating Boilers and
Hot Water Supply Boilers

120.105

Boiler Exemptions

120.200

New Installations of Pressure Vessels

120.205

Pressure Vessel Exemptions

120.300

Existing Installations of Power Boilers

120.400

Existing Installations of Miniature Boilers (Repealed)

120.500

Operation of Boilers and Pressure Vessels

120.600

Existing Installation of Pressure Vessels

120.700

General Requirements for all Boilers and Pressure Vessels (Repealed)

120.800

Nuclear Power Plant Components (Repealed)

120.900

Flame Safeguard Requirements and Incorporated Standards (Repealed)

SUBPART C: REPAIR AND ALTERATION

Section

120.1000

Repairs and Alterations to Boilers and Pressure Vessels by Welding

120.1010

Authorization to Repair Boilers and Pressure Vessels

120.1020

Issuance and Renewal of the Certificate

120.1030

Changes to Certificates of Authorization

120.1040

Quality Control Requirements

120.1041

Repair and Alteration Requirements

SUBPART D: STATE SPECIALS

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Section
120.1100

Procedure for the Issuance of a State Special Permit

SUBPART E: REPAIR OF SAFETY AND SAFETY RELIEF VALVES

Section
120.1200
120.1210

Authorization for Repair of Safety & Safety Relief Valves
Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves

Issuance and Renewal of the Certificate
Changes to Certificates of Authorization
Repairs to Safety and Safety Relief Valves
Quality Control System

120.1270
120.1275
120.1280
120.1285

Nameplates
Field Repair
Performance Testing of Repaired Valves
Training of Valve Repair Personnel
ASME "v", "uv" or National Board "VR" Certificate Holders

SUBPART F: OWNER-USER QUALITY CONTROL REQUIREMENTS

Section
120.1300
120.1301
120.1305
120.1310
120.1320
120.1325
120.1330
120.1335
120.1340
120.1345
120.1350
120.1355
120.1360

Introduction
Authority and Responsibility
Organization
Inservise Inspection Program
Drawings, Design Calculations, and Specification Control
Material Control
Examination and Inspection Program
Correction of Nonconformities
Welding
Nondestructive Examination
Calibration of Measurement and Test Equipment
Records
Inspectors

APPENDIX A Operational and Maintenance Log

EXHIBIT A Hot Water Heating Boilers

EXHIBIT B Steam Heating Boilers

APPENDIX B Record of Welded Repair (Repealed)

AUTHORITY: Implementing the Boiler and Pressure Vessel Safety Act [430 ILCS 75] and authorized by Sections 2 and 2.1 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2 and 2.1].

SOURCE: Boiler and Pressure Vessel Safety Act Rules and Regulations adopted at 4 Ill. Reg. 7, p. 126, effective January 31, 1980; codified at 5 Ill. Reg. 10677; amended at 7 Ill. Reg. 6925, effective July 1, 1983; amended at 10 Ill.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Reg. 9510, effective July 1, 1985; amended at 11 Ill. Reg. 16587, effective January 1, 1988; amended at 16 Ill. Reg. 6808, effective July 1, 1992; amended at 17 Ill. Reg. 14917, effective September 1, 1993; amended at 19 Ill. Reg. 11904, effective August 15, 1995; amended at 20 Ill. Reg. 9540, effective July 3, 1996; amended at 21 Ill. Reg. 997, effective January 1, 1997; amended at 23 Ill. Reg. 162, effective January 1, 1999; amended at 24 Ill. Reg. 18558, effective January 1, 2000.

SUBPART A: DEFINITIONS AND ADMINISTRATION

Section 120.11 Incorporation of National Standards

Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.
a) The Board hereby adopts the following nationally recognized standards and addenda:

ASME	CSD-1a-1998	Controls and Safety Devices for
1993		
NFPA	8501-97	Automatically Fired Boilers
8501-92		Single Burner Boilers - Furnaces
NFPA	8502-99 85-E	Multiple Burner Boilers - Furnaces
1991		
NFPA	8503-97 85-F	Pulverized Fuel Systems
1988		
ASME	Boiler and Pressure Vessel Code (1998) with 1999 addenda	
1995, with 19957-1996, 1997-1999 addenda		
Section I		
	Power Boilers	
Section II		
	Material Specifications -- Part A -- Ferrous	
Section II		
	Material Specifications -- Part B -- Nonferrous	
Section II		
	Material Specifications -- Part C -- Welding Rods	
	Electrodes and Fillers Metals	
Section II		
	Material Specifications -- Part D -- Properties	
Section IV		
	Heating Boilers	
Section V		
	Nondestructive Examination	
Section VI		
	Recommended Rules for Care and Operation of Heating Boilers	
Section VII		
	Recommended Rules for Care of Power Boilers	

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

Section VIII

Pressure Vessels -- Division 1
Including Appendix M

Section VIII

Pressure Vessels -- Division 2 -- Alternative Rules
Section VIII
Pressure Vessels -- Division 3 -- Alternative Rules
for High Pressure Vessels

Section IX

Welding and Brazing Qualifications

Section X

Fiberglass -- Reinforced Plastic Pressure Vessels
National Board of Boiler & Pressure Vessel Inspectors
Inspection Code (1998) with 1999 (1995)-with-1995-1996--and
1997 addenda
National Board Rules and Recommendations for the Design and
Construction of Boiler Blowoff Systems (1991)
American Petroleum Institute

API-510, Eighth Seventh Edition, First 2nd Supplement, "API
Recommended Practice for Inspection, Repair, and Rating of
Pressure Vessels in Petroleum Refining Service"
API --
American Petroleum Institute
1220 L Street, Northwest
Washington, D.C. 20005
www.api.org

ASME --

American Society of
Mechanical Engineers
United Engineering Center
345 East 47th Street
New York, New York 10017
www.asme.org

NB --

National Board of Boiler &
Pressure Vessel Inspectors
1055 Crupper Avenue
Columbus, Ohio 43229
www.nationalboard.org

NFPA --

National Fire Protection
Association
1 Batterymarch Park
Quincy, Massachusetts 02269-9101
www.nfpa.org

(Source: Amended at 24 Ill. Reg. 101.1, effective
_____, effective
_____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Services2) Code Citation: 89 Ill. Adm. Code 5903) Section Numbers:

590.20 Adopted Action:
Amendment
590.40 Amendment
590.70 Amendment
590.80 Amendment
590.130 Amendment
590.220 Amendment
590.230 Amendment
590.240 Amendment
590.250 Amendment
590.270 Amendment
590.280 Amendment
590.290 Amendment
590.310 Amendment
590.600 Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].5) Effective Date of Amendments: November 30, 20006) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: July 14, 2000, 24 Ill. Reg. 1004910) Has JCAR Issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: In Section 590.40(b), deleted "the" and added "comparable".

In Section 590.70, changed "may" to "will" and added "no comparable benefits are available and" between "if" and "the".

In Section 590.240(b), removed old (b) and added new (b) as follows:

"b) The customer shall show proof of application for and acceptance or

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NOTICE OF ADOPTED AMENDMENTS

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denial of graduate school financial assistance, including but not limited to, tuition waivers, stipends, scholarships, internships, work-study programs; the amount of any award; acceptance at the institution and to the appropriate graduate program; before the implementation of the customer's IPE or subsequent amendment."

In Section 590.250, removed current language and added:

"If a customer chooses to attend a private or out-of-state program, DHS-ORS shall only authorize those services needed to attend that facility up to the cost of the same services at a comparable public program in Illinois. For employment outcomes requiring a bachelor's degree or an advance degree, comparable means the cost of required services up to the costs of attending the most expensive State public college/university in the State of Illinois. For employment outcomes requiring all other training programs, comparable means the costs of required services up to the cost of attending an equivalent public program in Illinois. DHS-ORS financial participation in any program is always less scholarships, other comparable benefits and any required or voluntary financial participation by the customer."

In Section 590.270(a)(4), added "documented" after "requires".

In Section 590.270(b)(1), added "the equivalent of" after "than" and changed "Degree" to "degree".

Also, in Section 590.270(b)(1), added "or reach junior standing" after "degree".

In Section 590.600(a), added "to the customer" after "Mileage shall be paid" and added "DHS-ORS may pay for car repairs when the car cannot be driven or is unsafe to operate; there is no other means of transportation available to the customer; and a critical service in the customer's IPE will not be completed because of the lack of transportation".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes

13) Will these amendments replace emergency amendments currently in effect? No. The emergency amendments have expired.

14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
590.310	Amendment	Nov. 3, 2000, Issue 45
590.315	New	Nov. 3, 2000, Issue 45
590.320	Amendment	Nov. 3, 2000, Issue 45
590.340	Amendment	Nov. 3, 2000, Issue 45

590.350
590.360

Amendment Nov. 3, 2000, Issue 45
Amendment Nov. 3, 2000, Issue 45

15) Summary and Purpose of Amendments: This rulemaking amends various Sections of this rule. These amendments are necessary to address changes in the federal statutes that created the Individualized Plan for Employment (IPE). More importantly, five Sections are being amended to allow the Office of Rehabilitation Services to address shortfalls in case services funds caused by the level of federal support. These Sections are Financial Guidelines for Training Services, Graduate School Training, Choice of Training Facility/Institution, Transportation and Temporary Lodging and Grades.

16) Information and questions regarding these adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
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The full text of adopted amendments begins on the next page:

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SUBCHAPTER b: VOCATIONAL REHABILITATION

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AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375,

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effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 201, effective December 15, 1998; amended at 23 Ill. Reg. 7502, effective June 17, 1999; emergency amendment at 24 Ill. Reg. 6728, effective April 14, 2000, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 10372, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13687, effective August 23, 2000; amended at 24 Ill. Reg. 1454, effective 11/1/00, 2/1/01

SUBPART A: APPLICABILITY

Section 590.20 Availability of Services

Services described in this Part shall only be provided to customers who have been determined eligible to receive VR services (89 Ill. Adm. Code 553) for whom an Individualized Plan for Employment has been developed calling for the provision of such services to reach the customer's employment outcome.

A) Services described in this Part shall only be provided to--clients determined eligible to--receive VR services (89 Ill. Adm. Code 553) for whom such services have been determined necessary to ensure a successful employment outcome per the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) and for whom an Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) has been developed calling for the provision of--such services.

B) Any service listed in this Part which may be provided to a client, or which DHS-ORS assigns the client in obtaining, must be listed on the client's IWRP and must be necessary to overcome an impediment to employment and is anticipated to result in a successful employment outcome.

(Source: Amended at 24 Ill. Reg. 1454, effective 11/1/00, 2/1/01)

Section 590.40 Choice of Service Providers

- a) Unless otherwise specified in this Part and to the maximum extent possible, the customer client shall have the right to choose any service provider to provide those services listed in the IPE. His/her IWRP. The as-long-as-the provider must be certified, licensed or determined qualified to provide the specific service required.
- b) If comparable necessary services are available at a lower cost from a service provider not chosen by the customer client, the customer client shall be required to pay the difference in costs to use the service provider of his/her choice.

(Source: Amended at 24 Ill. Reg. 1454, effective 11/1/00, 2/1/01)

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NOV 30 2000

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section 590.70 Treatment of Acute Conditions

At any time when an acute illness or condition arises during the time the customer is receiving services under an IPE, DHS-ORS will pay for the treatment if no comparable benefits are available and the following conditions are present:

- the duration of the acute condition is short enough that it will not interfere with the provision of services;
- the treatment is deemed necessary and recommended by the appropriate medical professional;
- the treatment is mutually agreed to by the customer and the counselor;
- the treatment is necessary to avoid an interruption of service listed in the customer's IPE; and
- the customer's IPE is amended to allow for the provision of these services.

a) DHS-ORS will pay for treatment of an acute condition which is severe but of a short duration which is determined by the customer and counselor as necessary at any time during the life of the case which is recommended by an appropriate medical professional and which is necessary to avoid interruption of services listed in the customer's IPE.

b) An amendment to the IWRP (89 Ill. Adm. Code 572.80) is required to allow for the provision of these services.

(Source: Amended at 24 Ill. Reg. 1856.12, effective NOV 30 2000)

Section 590.80 Medication and Treatment

a) DHS-ORS may pay for medication/treatment (e.g., doctor's office visits, medication) if necessary to cure or stabilize a condition in accordance with the customer's IPE IWRP.

b) DHS-ORS shall not pay for ongoing medication/treatment (treatment for a condition for which there is no foreseeable date of termination of the medication/treatment) except as a support service to the primary service on the IPE IWRP (e.g., a customer requires insulin to control his/her diabetes in order to attend training) and then only until completion of that primary service. tam

Section 590.130 Mental Restoration Services

a) Pursuant to the provisions of 89 Ill. Adm. Code 590.20, DHS-ORS will, with the exception of electro-shock treatments, provide in-patient mental restoration services from a private hospital only when the need

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for such services is documented in the customer's case file by reports from the customer's psychiatrist or psychologist and comparable benefits (89 Ill. Adm. Code 567.30(d)) are not timely or available.

b) In such cases, comparable benefits shall be arranged at the soonest possible time after initiation of services and DHS-ORS funding shall be withdrawn.

c) DHS-ORS shall not pay for on-going mental-restoration services (when there is no foreseeable ending date for the services) unless these services are in support of a primary service listed on the customer's IPE IWRP and then only until completion of the primary service.

(Source: Amended at 24 Ill. Reg. 1856.12, effective NOV 30 2000)

SUBPART C: TRAINING AND RELATED SERVICES

Section 590.220 Purpose and Types of Training

a) Training is available to a customer client of the VR Program, as appropriate, for the customer an individual client as evidenced by the determination of the customer's client's eligibility (89 Ill. Adm. Code 553.20), the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) and as included in the customer's client's Individualized Plan for Employment Written Rehabilitation Program (IPE) IWRP (89 Ill. Adm. Code 572). Training shall be provided to a client to allow him/her to achieve a successful employment outcome.

b) Training provided to a customer client pursuant to the provisions of subsection (a) above may be of a vocational/technical or educational nature as based on the customer's client's needs and determined as necessary to ensure attainment of the customer's client's chosen employment outcome goal.

(Source: Amended at 24 Ill. Reg. 1856.12, effective NOV 30 2000)

Section 590.230 Financial Guidelines for Training Services

a) Training services shall be provided to a customer in accordance with the provisions set forth at 89 Ill. Adm. Code 562 - Customer Financial Participation. Customers attending training must provide proof of award or denial of financial assistance, the amount of such award, acceptance at the institution, and any previous transcript before the implementation of the customer's IPE or subsequent amendment. In addition, if post-secondary training is to be provided prior to expenditure of DHS-ORS funds, the counselor with assistance and input of the customer must certify that maximum effort to obtain funding for the training from sources of comparable benefits (89 Ill. Adm. Code 567) has been made. An attempt to secure comparable benefits for

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all--training--is--required--except--those--services--and--under--those circumstances--listed--at--89 Ill. Adm. Code--567-30
 b) DHS-ORS VR Program will assist with the purchase of books, supplies and materials, required of all students, necessary for a customer to complete his/her training program in accordance with 89 Ill. Adm. Code 562 - Customer Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits.

c) DHS-ORS VR Program will assist with the purchase of transportation services necessary for the customer to complete his/her training program in accordance with 89 Ill. Adm. Code 562 - Customer Financial Participation and 89 Ill. Adm. Code 567 Comparable Benefits when housing is not available for the customer at the training site.

d) A-DHS-ORS-VR-program-customer-is-required-to-obtain-the-medical/health related--insurance--offered--by--the-training-institution-which-he/she attends--if-availabler DHS-ORS will assist with the purchase of the medical/health related insurance coverage, if offered and required by the training institution. This shall be done in accordance with 89 Ill. Adm. Code 562 - Customer Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits.

e) DHS-ORS will assist with the purchase of other support services (i.e., tutor services, reader services, note taker services) in accordance with 89 Ill. Adm. Code 562 - Customer Financial Participation and 89 Ill. Adm. Code 567 - Comparable Benefits. If education or language tutorial services are to be provided to a customer who is deaf to assist in the completion of the his/her training program, the tutor must:

- 1) be certified by the Illinois State Board of Education;
- 2) hold at least a bachelor's degree in deaf education from an accredited college or university; or
- 3) be approved by the Chief Administrator of Services for Persons Who Are Deaf or Hard of Hearing. Approval is based upon the individual's signing skills and related experience/education. Skill and education/experience shall be verified by letters of reference provided by the individual from other appropriate service providers, or by resume, and personal interview which shall include an assessment of the individual's signing skills by the Administrator or designee.

(Source: Amended at 24 Ill. Reg. 18561, effective Nov 8 2000)

Section 590.240 Graduate School Training

a) DHS-ORS shall assist in the sponsorship of graduate school only when the customer's client's employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. This is to be goal requires--attainment--of--such-a-degree--as determined by the counselor

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and the customer based on knowledge of the occupational choice of the customer client and the labor market and as evidenced by the customer's client's IPE IWRP (89 Ill. Adm. Code 572).

b) The customer shall show proof of application for and acceptance or denial of graduate school financial assistance, including but not limited to, tuition waivers, stipends, scholarships, internships, work-study programs; the amount of any award; acceptance at the institution and to the appropriate graduate program; before the implementation of the customer's IPE or subsequent amendment.

(Source: Amended at 24 Ill. Reg. 18561, effective Nov 8 2000)

Section 590.250 Choice of Training Facility/Institution

a) To--the--maximum--extent--possible, The the customer shall have the choice of the training facility/institution he/she will attend in completion of his/her IPE IWRP (89 Ill. Adm. Code 572). Facilities However--facilities within the State of Illinois shall be given preference and State operated institutions of higher education shall be given preference over private or out-of-state institutions. If a customer chooses to attend a private or out-of-state program, DHS-ORS shall only authorize those services needed to attend that facility up to the cost of the same services at a comparable public program in Illinois. For employment outcomes requiring a bachelor's degree or an advance degree, comparable means the cost of required services up to the costs of attending the most expensive State public college/university in the State of Illinois. For employment outcomes requiring all other training programs, comparable means the costs of required services up to the cost of attending an equivalent public program in Illinois. DHS-ORS financial participation in any program is always less scholarships, other comparable benefits and any required or voluntary financial participation by the customer. b) Although--in--state State-operated-facilities-and-local-community-college-must-be-given-preference a--customer-is--choice--to--attend-a-private-or-out-of-state-facility/institution may-be-approved-if:

- 1) there-is-no-comparable-training-at-a--State-operated-facility/in--state--facility--or-the-customer's-local-community-college-as-verified-by--the--counselor--based-on--information--regarding curriculum--recommendation--of--colleagues--and-past-experience with-facilities/institutions-offering-training-in-the-area-of-the-customer's-employment-objective;
- 2) the--cost--of--the--training--at--the-private--or--out-of-state facility/institution--is--less--than--that-of-the-same-or-similar training--at--a--State-operated--facility/institution--in--state facility/institution-or-local-community-college;
- 3) because-of-the-customer's-particular-impediments--to--employment no-----State-----operated-----facility/institution-----in--state facility/institution-or-the-local-community-college-is-accessible for-the-customer--Whether-an--in--state--facility's/institution's

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training is accessible to the customer shall be determined by the counselor based on information regarding curriculum, recommendations of colleagues and past experience with facilities/institutions offering training in the area of the customer's employment objective.

- c) If none of the circumstances listed in 89 Ill. Adm. Code 590-250(b) above is met, DHS-ORS shall only authorize the total cost of tuition, fees and maintenance up to the cost of attending the most expensive State-operated facility (89 Ill. Adm. Code 590-Subpart 47 fees scholarships, other comparable benefits (89 Ill. Adm. Code 567) and required customer financial participation (89 Ill. Adm. Code 562) if one or more of the criteria is met. DHS-ORS may authorize up to the total cost of the training, less scholarship, comparable benefits and customer financial participation.

(Source: Amended at 24 Ill. Reg. 10561, effective NOV 10 2000)

Section 590.270 Grades

a) Grades

- 1) DHS-ORS will sponsor a customer client in an educational program as long as the customer client maintains a cumulative "C" grade point average (GPA) (2.0 on a 4.0 point system) at for each grading period (e.g., semester, quarter or term) and also maintains a sufficient cumulative GPA to meet graduation requirements in his/her major field of study.

- 2) If at any time a customer's cumulative client's GPA falls below a "C" average or below the cumulative GPA necessary to meet graduation requirements, DHS-ORS will only continue to sponsor the customer client for one additional grading period, regardless of when taken, providing the customer client and counselor agree continued training is appropriate. At the completion of the additional grading period, the cumulative GPA shall be a "C" average, or at the cumulative GPA level needed to meet graduation requirements. During the additional term, the client must achieve at least a "C" GPA and show continued progress thereafter toward raising his/her cumulative GPA to the required level. Continued progress means any elevation of cumulative GPA for each successive term or grading period.

- 3) If the customer fails a course that DHS-ORS paid for, the customer will be required to pay for that course if taken again.

- 4) Changing or dropping courses during a term requires documented pre-approval from the DHS-ORS counselor. If a customer drops a course or withdraws without pre-approval, the course shall not be paid for by DHS-ORS if retaken.

b) Attendance

- 1) DHS-ORS shall sponsor a customer for no more than the equivalent

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of three academic years to obtain an Associate's degree or reach junior standing and up to the equivalent of three additional academic years to complete a Bachelor's degree.

- 2) Exceptions to subsection (b)(1) above may be granted, by the Bureau Chief, if there are extenuating circumstances relating to the customer's disability, or personal and/or financial situation.

(Source: Amended at 24 Ill. Reg. 18612, effective NOV 10 2000)

Section 590.280 Health Status

- a) If a customer client is prevented from attending the training program outlined in his/her IPE IWRP (89 Ill. Adm. Code 572) or is forced to withdraw, due to health reasons, he/she must obtain written verification for the need of such action from his/her physician or the health service at the facility/institution at which he/she is enrolled.

- b) If a customer client is prevented from attending training due to hospitalization, he/she must inform his/her DHS-ORS counselor. In such cases, advanced notice should be provided to the DHS-ORS counselor, when possible.

(Source: Amended at 24 Ill. Reg. 18612, effective NOV 10 2000)

Section 590.290 On-the-Job Training

If, as a result of the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100), On-the-Job Training (OJT) is identified as a necessary service, the following requirements must be met:

- a) the customer's IPE client's IWRP (89 Ill. Adm. Code 572) must specifically state the objectives, supplies needed and the anticipated length of the OJT; and
- b) the wages paid to the customer client by the trainer/employer during the OJT must be at least minimum wages, unless a United States Department of Labor Training Certificate (WH 224) has been issued for the client pursuant to 23 USC 856-201 et seq.

(Source: Amended at 24 Ill. Reg. 18612, effective NOV 10 2000)

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section 590.310 Provision of Services

- a) All services described in this Subpart shall be provided in accordance

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- with the provisions of this Subpart and Subpart A of this Part.
- b) Prior to provision provisions of any of the services listed in this Subpart, the counselor shall consult with the appropriate regional/central office resource specialist when considering self-employment as an employment goal for a client. DHS-ORS participation in such a program must be approved in writing by the Rehabilitation Services Supervisor prior to initiation of an Individualized Plan for Employment (IPE) ~~Written--Rehabilitation Program--(IWRP)~~ (89 Ill. Adm. Code 572).

(Source: ~~Amended~~ at 24 Ill. Reg. 1856.1, effective NOV 8 2000)

SUBPART H: OTHER SERVICES

Section 590.600 Transportation and Temporary Lodging

- a) When, during the completion of the customer's IPE ~~client's-IWRP~~ (89 Ill. Adm. Code 572), transportation and/or temporary lodging is necessary to complete his/her employment outcome objective, DHS-ORS shall reimburse the customer ~~client~~ and, when the customer ~~client~~ requires a PA (Section 89-111-Adm--Code 590.460), reimburse the PA for travel and lodging expenses pursuant to Department of Central Management Services Service rules at 80 Ill. Adm. Code 3000.2808 - The Travel Regulation Council Regulations. Mileage shall be paid to the customer at 50% of the established rate of the Travel Regulation Council, rounded to the next cent. DHS-ORS shall not pay for automobile maintenance and insurance. DHS-ORS may pay for car repairs when the car cannot be driven or is unsafe to operate; there is no other means of transportation available to the customer; and a critical service in the customer's IPE will not be completed because of the lack of transportation.

The following shall also apply:

- 1) Mileage shall be computed on one round trip per day that the customer attends a reimbursable event (reimbursement is available only for attending services planned in the IPE for which transportation reimbursement is being made available).
- 2) If the public transportation system is accessible to the customer and meets the customer's schedule, the maximum DHS/ORS shall pay the customer for transportation shall be the cost of public transportation.

These expenses shall not be reimbursed once the customer's ~~client~~ has attained-his/her employment outcome has been attained ~~goal~~ and the ~~received-his/her~~ first pay check has been received.

- b) Transportation via ambulance will only be provided based on the customer's ~~client's~~ IPE ~~IWRP~~ (89 Ill. Adm. Code 572) and when ordered by the customer's ~~client's~~ attending physician.
- c) DHS-ORS may pay customers in residence at a college or training

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program cost of the least expensive means of accessible transportation for up to two round trips home per academic year not including the initial trip to school at the beginning of the school year and the final trip home at the end of the school year. Customer transportation needs for training at ICRE-Wood will be determined by the customer's training schedule and the training schedule of ICRE-Wood.

(Source: ~~Amended~~ at 24 Ill. Reg. 1856.1, effective NOV 8 2000)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hazardous Waste Injection Restrictions

2) Code citation: 35 Ill. Adm. Code 738

3) Section Numbers:
738.118 Proposed Action:
Amend

4) Statutory authority: 415 ILCS 5/7.2, 13, and 27.

5) Effective date of amendments: December 7, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No. The segments of the text of Part 738 under amendment in this proceeding do not include incorporations by reference.

8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 7, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

9) Notice of proposal published in Illinois Register: 24 Ill. Reg. 14528, October 6, 2000

10) Has JCAR issued a Statement of Objections to these amendments? No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: The following table summarizes the differences between the amendments adopted by the Board in an opinion and order dated December 7, 2000, in docket R00-11/R01-1 (consolidated), and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 7, 2000, in docket R00-11/R01-1 (consolidated), adopting the amendments.

Section Revised	Source(s) of Revision(s)	Revision(s)
738 authority note	Board	Added a reference to Section 7.2 of the Act

12) Have all the changes agreed upon by the Board and JCAR been made as

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indicated in the agreements issued by JCAR?

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 6, 2000 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in item 11 above. The table below indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the December 7, 2000 opinion and order in docket R00-11/R01-1 (consolidated) for additional details on the JCAR suggestions and the Board actions with regard to each.

Section Affected	Source(s) of Request: Requested Revision(s)	Explanation
738 Table of contents	JCAR: Change "waste-specific" to "waste specific" in the heading of Section 738.118	"Waste-specific" is a compound adjective that modifies "prohibitions" in which a hyphen is appropriate
738.118 heading	JCAR: Change "waste-specific" to "waste specific" in the heading of Section 738.118	"Waste-specific" is a compound adjective that modifies "prohibitions" in which a hyphen is appropriate

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 7, 2000, adopting amendments in consolidated UIC update docket R00-11/R01-1, which opinion and order is available from the address below. This proceeding updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency

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(USEPA) that appeared in the *Federal Register* during two update periods. The dockets and time periods that are involved in this proceeding are the following:

R00-11 Federal UIC amendments that occurred during the period July 1, 1999, through December 31, 1999.

R01-1 Federal UIC amendments that occurred during the period January 1, 2000, through June 30, 2000.

The consolidated R00-11/R01-1 docket amends rules in Parts 702, 704, 730, and 738. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 68546 (December 7, 1999) Class V injection well amendments.

64 Fed. Reg. 70316 (December 16, 1999) USEPA corrections to its amendments of December 7, 1999.

65 Fed. Reg. 5024 (February 2, 2000) USEPA corrections to its amendments of December 7, 1999.

65 Fed. Reg. 14472 (March 17, 2000) Withdrawal of the organobromine production waste listings and LDRs.

65 Fed. Reg. 30886 (May 15, 2000) Streamlining amendments to the NPDES permit rules, including an amendment to the UIC permit rules.

65 Fed. Reg. 36365 (June 8, 2000) USEPA corrections to its action of March 17, 2000.

Specifically, the amendments to Part 738 implement segments of the March 17, 2000 federal withdrawal of the organobromine waste listings and land disposal restrictions and the June 8, 2000 corrections to the March 17, 2000 withdrawal.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

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The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of December 7, 2000, in docket R00-11/R01-1 (consolidated). Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:

Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
738.118(h)	148.18(h)	Substituted an explanatory statement for a provision marked "reserved" by USEPA

Table 2:

Board Housekeeping Amendments

Section	Source	Revision(s)
738 authority note	Board	Added a reference to Section 7.2 of the Act
738.118(b)	Board	Removed the past effective date
738.118(d)	Board	Removed the past effective date
738.118(e)	Board	Changed the listing of USEPA hazardous waste numbers into the paragraph format to save space
738.118(g)	Board	Changed the listing of USEPA hazardous waste numbers into the paragraph format to save space
738.118(i)	Board	Removed the past effective date

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Please reference consolidated Docket R00-11/R01-1 and direct inquiries to the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 7, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>. (Search the Board opinions and orders for docket R00-11 or R01-1.)

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope, and Applicability
738.101	Definitions
738.102	Dilution Prohibited as a Substitute for Treatment
738.103	Case-by-Case Extensions of an Effective Date
738.104	Waste Analysis
738.105	

SUBPART B: PROHIBITIONS ON INJECTION

Section	Waste Specific Prohibitions - Solvent Wastes
738.110	Waste Specific Prohibitions - Dioxin-Containing Wastes
738.111	Waste Specific Prohibitions - California List Wastes
738.112	Waste Specific Prohibitions - First Third Wastes
738.114	Waste Specific Prohibitions - Second Third Wastes
738.115	Waste Specific Prohibitions - Third Third Wastes
738.116	Waste Specific Prohibitions - Newly-Listed Wastes
738.117	
738.118	

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section	Petitions to Allow Injection of a Prohibited Waste
738.120	Required Information to Support Petitions
738.121	Submission, Review and Approval or Denial of Petitions
738.122	Review of Adjusted Standards
738.123	Termination of Adjusted Standards
738.124	

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238,

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effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17486, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1695, effective January 19, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 13074, effective 13074.

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.118 Waste-Specific Prohibitions - Newly Listed and Identified Wastes

- a) All newly identified D004 through D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b) of this Section, are prohibited from underground injection.
- b) Characteristic Effective-May-267-2000-characteristic hazardous wastes from titanium dioxide mineral processing, and radioactive wastes mixed with newly identified D004 through D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.
- c) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited from underground injection.
- d) The Effective-May-127-1999-the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.
- e) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection: K156, K157, K158, K159, K160, K161, P127, P128, P185, P189, P188, P190, P191, P192, P194, P196, P197, P198, P199, P201, P202, P203, P204, P205, U271, U277, U278, U279, U280, U364, U365, U366, U367, U372, U373, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U387, U389, U390, U391, U392, U393, U394, U395, U396, U400, U401, U402, U403, U404, U407, U409, U410, and U411.

K156
K157
K158
K159
K160
K161
P127
P128
P185
P188
P189
P190
P191
P192
P194
P196

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P197
P198
P199
P201
P202
P203
P204
P205
U271
U277
U278
U279
U280
U364
U365
U366
U367
U372
U373
U375
U376
U377
U378
U379
U381
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U384
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U386
U387
U389
U390
U391
U392
U393
U394
U395
U396
U400
U401
U402
U403
U404
U407
U409
U410
U411

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: RCRA and UIC Permit Programs
- 2) Code citation: 35 Ill. Adm. Code 702
- 3) Section Number: Proposed Action:
702.110 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.
- 5) Effective date of amendments: December 7, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. Although the segments of the text of Part 702 under amendment in this proceeding include incorporations by reference, none of those are affected by the amendments.
- 8) The adopted amendments, a copy of the Board's opinion and order adopted December 7, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 24 Ill. Reg. 14535, October 6, 2000
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Amendment (JCAR).
- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments adopted by the Board in an opinion and order dated December 7, 2000, in docket R00-11/R01-1 (consolidated), and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 7, 2000, in docket R00-11/R01-1 (consolidated), adopting the amendments.
- | Section Revised | Source(s) of Revision(s) |
|---|--------------------------|
| 702 authority note | Board |
| Added a reference to Section 7.2 of the Act | |

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- f) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.
- g) On April 8, 1998, the wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection:
D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043.
- B018
B019
B020
B021
B022
B023
B024
B025
B026
B027
B028
B029
B030
B031
B032
B033
B034
B035
B036
B037
B038
B039
B040
B041
B042
B043
- h) This subsection corresponds with 40 CFR 148.18(h), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations. The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K148, and in 35 Ill. Adm. Code 721.133(f) as USEPA hazardous waste number U408 are prohibited from underground injection.
- i) The Effective--February 8, 1999,--the wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169 through K172 are prohibited from underground injection.
- (Source: Amended at 24 Ill. Reg. 14576, effective 7/1/99)

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702.110 preamble	JCAR	Changed "as to an aid to readers" to "as an aid to readers"
702.110 "aquifer"	Board	Changed "geological" to "geologic" to make usage consistent throughout this Section; removed the quotation marks from "formation," a term other than the defined term
702.110 "area of review"	JCAR	Changed "the width of that" to "the width of which"
702.110 "cesspool"	Board	Removed the quotation marks from "drywell," a term other than the defined term
702.110 "closure"	JCAR	Removed the quotation marks from "hazardous waste management facility," a term other than the defined term; changed to lower-case term; "waste management facility"
702.110 "disposal facility"	JCAR	Added quotation marks to the second appearance of the defined term
702.110 "draft permit"	JCAR	Removed quotation marks from "proposed permit," a term other than the defined term
702.110 "drilling mud"	Board	Removed the quotation marks from "injection well," a term other than the defined term
702.110 "emergency permit"	Board	Removed the quotation marks from "permit," a term other than the defined term
702.110 "Environmental Protection Agency"	Board	Removed the parentheses from the alternative defined terms "EPA" or "USEPA" and added "or"

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702.110 "exempted aquifer"	Board	Removed the quotation marks from "aquifer," a term other than the defined term
702.110 "existing injection well"	Board	Removed the quotation marks from "injection well" and "new injection well," terms other than the defined term
702.110 "facility or activity"	Board	Removed the quotation marks from "HWM facility" and "injection well," terms other than the defined term
702.110 "federal, State, and local . . ."	JCAR	Changed to capitalized "State"
702.110 "fluid"	JCAR	Added a comma before "whether" to offset a parenthetical
702.110 "formation fluid"	Board	Removed the quotation marks from "fluid" and "formation," terms other than the defined term
702.110 "hazardous waste management facility" JCAR,	Board	Removed the parentheses from the alternative defined term "HWM facility" and added "or"; removed quotation marks from "treatment," "storage," and "disposal," terms other than the defined term
702.110 "HWM facility"	JCAR	Removed the quotation marks from "hazardous waste management facility," a term other than the defined term; changed to lower-case "waste management"
702.110 "injection well"	Board	Removed the quotation marks from "well" and "fluids," terms other than the defined term

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702.110 "injection zone"	JCAR, Board	Changed "geological" to "geologic" to make usage consistent throughout this Section; removed the quotation marks from "formation" and "well," terms other than the defined term
702.110 "major facility"	Board	Removed the quotation marks from "facility" or activity," a term other than the defined term
702.110 "National Pollutant Discharge Elimination System"	JCAR	Changed "Subpart A of 35 Ill. Adm. Code 309 and 310" to "Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310"
702.110 "new HWM facility"	Board	Removed the quotation marks from "hazardous waste management facility," a term other than the defined term; used lower-case "hazardous waste management"
702.110 "new injection well"	Board	Removed the quotation marks from "well," a term other than the defined term
702.110 "off-site"	Board	Removed the quotation marks from "on-site," a term other than the defined term
702.110 "on-site"	Board	Changed "right(s)-of-way" to "rights-of-way" (twice)
702.110 "owner or operator"	JCAR, Board	Deleted the quotation marks from "facility" or activity," a term other than the defined term; changed "RCRA or UIC programs" to singular "RCRA or UIC program"

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702.110 "permit"	JCAR	Removed the quotation marks from "permit by rule," "draft permit," and "proposed permit," terms other than the defined term; used lower-cased "draft permit" and "proposed permit"
702.110 "physical construction"	JCAR	Removed the quotation marks from "HWM facility," a term other than the defined term
702.110 "point of injection"	JCAR	Changed the en-dash "-" to two en-dashes "--" for clarity that a single hyphen (en-dash) was not intended
702.110 "POTW"	Board	Removed quotation marks from "publicly owned treatment works," a term other than the defined term
702.110 "publicly owned treatment works"	Board	Removed parentheses from the alternative defined term "POTW," added the conjunction "or"
702.110 "RCRA"	Board	Added "733" and a comma in the serial listing of Parts
702.110 "schedule of compliance"	Board	Removed quotation marks from "permit" and "appropriate Act and regulations," terms other than the defined term
702.110 "site"	Board	Removed quotation marks from "facility" or activity," a term other than the defined term
702.110 "storage"	Board	Removed quotation marks from "hazardous waste," a term other than the defined term

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702.110 "underground injection" Board Removed quotation marks from "well injection," a term other than the defined term

702.110 "on-site" JCAR: Conform the definition to the identical-in-substance term at recently-amended 35 Ill. Adm. Code in the December 7, 2000 and order described in i below

702.110 "underground source of drinking water" Board Removed quotation marks from "aquifer" and "exempted aquifer," terms other than the defined term

702.110 "USDW" Board Removed quotation marks from "underground source of drinking water," a term other than the defined term

702.110 "wastewater treatment unit" JCAR Changed "which" to "that" for a restrictive relative clause; changed "Subpart A of 35 Ill. Adm. Code 309 and 310" to "Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 6, 2000 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in item 11 above. The table below indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the December 7, 2000 opinion and order in docket R00-11/R01-1 (consolidated) for additional details on the JCAR suggestions and the Board actions with regard to each.

Section Affected	Source(s) of Request: Requested Revision(s)	Explanation
702.110 "appropriate act and regulations"	JCAR: Capitalize "act" in "appropriate act and regulations"	The word "act" is not us proper noun, and capital could cause confusion

13) Will these amendments replace emergency amendments currently in effect?
No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 7, 2000, adopting amendments in consolidated UIC update docket R00-11/R01-1, which opinion and order is available from the address below.

This proceeding updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during two update periods. The dockets and time periods that are involved in this proceeding are the following:

R00-11 Federal UIC amendments that occurred during the period July 1, 1999, through December 31, 1999.

R01-1 Federal UIC amendments that occurred during the period January 1, 2000, through June 30, 2000.

The consolidated R00-11/R01-1 docket amends rules in Parts 702, 704, 730, and 738. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 68546 (December 7, 1999)	Class V injection well amendments.
64 Fed. Reg. 70316 (December 16, 1999)	USEPA corrections to its amendments of December 7, 1999.
65 Fed. Reg. 5024 (February 2, 2000)	USEPA corrections to its amendments of December 7, 1999.

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- 65 Fed. Reg. 14472
(March 17, 2000) Withdrawal of the organobromine production waste listings and LDRs.
- 65 Fed. Reg. 30886
(May 15, 2000) Streamlining amendments to the NPDES permit rules, including an amendment to the UIC permit rules.
- 65 Fed. Reg. 36365
(June 8, 2000) USEPA corrections to its action of March 17, 2000.

Specifically, the amendments to Part 702 implement segments of the federal Class V injection well amendments of December 7, 1999.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of December 7, 2000, in docket R00-11/R01-1 (consolidated). Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:

Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
702.110 "cesspool"	144.3	Placed the defined term in quotation marks; removed an unnecessary comma; changed "and/or" to "or"
702.110 "drywell"	144.3	Placed the defined term in quotation marks; added "that is"; added a comma to offset a parenthetical

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- 702.110 "improved sinkhole" 144.3 Placed the defined term in quotation marks; added "that is"; changed "which" to "that" for a restrictive relative clause
- 702.110 "point of injection" 144.3 Placed the defined term in quotation marks
- 702.110 "sanitary waste" 144.3 Placed the defined term in quotation marks; added a comma to offset a parenthetical
- 702.110 "septic system" 144.3 Placed the defined term in quotation marks; removed the quotation marks for the word "well"; changed "that" to "which" for a subsequent restrictive relative clause
- 702.110 "subsurface fluid distribution system" 144.3 Placed the defined term in quotation marks
- 702.110 "well" 144.3 Removed an unnecessary conjunction "or" from between the first and second elements of a three-element series; removed an unnecessary comma from after the conjunction "or"

Table 2:

Board Housekeeping Amendments

Section	Source	Revision(s)
702 authority note	Board	Added a reference to Section 7.2 of the Act
702.110 preamble	JCAR	Changed "as to an aid to readers" to "as an aid to readers"

POLLUTION CONTROL BOARD

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702.110 "aquifer"	Board	Changed "geological" to "geologic" to make usage consistent throughout this Section; removed the quotation marks from "formation," a term other than the defined term
702.110 "area of review"	Board, JCAR	Changed "the width of that" to "the width of which"; changed "1/4" to "one-quarter"
702.110 "cesspool"	Board	Removed the quotation marks from "drywell," a term other than the defined term
702.110 "closure"	JCAR	Removed the quotation marks from "hazardous waste management facility," a term other than the defined term; changed to lower-case "waste management facility"
702.110 "corrective action management unit"	Board	Changed "335 Ill. Adm. Code 724.Subpart S" to "Subpart S of 35 Ill. Adm. Code 724"; changed "shall" to "must"
702.110 "disposal facility"	JCAR	Added quotation marks to the second appearance of the defined term
702.110 "draft permit"	JCAR	Removed quotation marks from "proposed permit," a term other than the defined term
702.110 "drilling mud"	Board	Removed the quotation marks from "injection well," a term other than the defined term
702.110 "elementary neutralization unit"	Board	Changed "335 Ill. Adm. Code 721.Subpart D" to "Subpart D of 35 Ill. Adm. Code 721"

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702.110 "emergency permit"	Board	Removed the quotation marks from "permit," a term other than the defined term
702.110 "Environmental Protection Agency"	Board	Removed the parentheses from the alternative defined terms "EPA" or "USEPA" and added "or"
702.110 "exempted aquifer"	Board	Removed the quotation marks from "aquifer," a term other than the defined term
702.110 "existing injection well"	Board	Removed the quotation marks from "injection well" and "new injection well," terms other than the defined term
702.110 "facility or Board activity"	Board	Removed the quotation marks from "HWM facility" and "injection well," terms other than the defined term
702.110 "Federal, State, and local . . ."	JCAR	Changed to capitalized "State"
702.110 "fluid"	JCAR	Added a comma before "whether" to offset a parenthetical
702.110 "formation fluid"	Board	Removed the quotation marks from "fluid" and "formation," terms other than the defined term
702.110 "hazardous waste management facility"	JCAR, Board	Removed the parentheses from the alternative defined term "HWM facility" and added "or"; removed quotation marks from "treatment," "storage," and "disposal," terms other than the defined term
702.110 "HWM facility"	JCAR	Removed the quotation marks from "hazardous waste management facility," a term other than the defined term

POLLUTION CONTROL BOARD
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702.110 "on-site"	Board	Changed "right(s)-of-way" to "rights-of-way" (twice) 702.110 "owner or operator" Deleted the quotation marks from "facility" or "activity," a term other than the defined term; changed "RCRA or UIC programs" to singular "RCRA or UIC program"
702.110 "permit"	Board, JCAR	Removed the quotation marks from "permit by rule," "draft permit," and "proposed permit," terms other than the defined term; changed "35 Ill. Adm. Code 704.Subpart C" to "Subpart C of 35 Ill. Adm. Code 704"; used lower-cased "draft permit" and "proposed permit"
702.110 "physical construction"	JCAR	Removed the quotation marks from "HWM facility," a term other than the defined term
702.110 "point injection"	JCAR of	Changed the em-dash " " to two en-dashes "---" for clarity that a single hyphen (en-dash) was not intended
702.110 "POTW"	Board	Removed quotation marks from "publicly owned treatment works," a term other than the defined term
702.110 "publicly owned treatment works"	Board	Removed parentheses from the alternative defined term "POTW," added the conjunction "or"
702.110 "RCRA"	Board	Added "733" and a comma in the serial listing of Parts

POLLUTION CONTROL BOARD
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702.110 "injection well"	Board	term; changed to lower-case "waste management"
702.110 "injection zone"	JCAR, Board	Removed the quotation marks from "well" and "fluids," terms other than the defined term
702.110 "major facility"	Board	Changed "geological" to "geologic" to make usage consistent throughout this Section; removed the quotation marks from "formation" and "well," terms other than the defined term
702.110 "manifest"	Board	Removed the quotation marks from "facility" or "activity," a term other than the defined term
702.110 "National Pollutant Discharge Elimination System"	Board, JCAR	Changed "35 Ill. Adm. Code 309.Subpart A and 310" to "Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310"
702.110 "new HWM facility"	Board	Removed the quotation marks from "hazardous waste management facility," a term other than the defined term; used lower-case "hazardous waste management"
702.110 "new injection well"	Board	Removed the quotation marks from "well," a term other than the defined term
702.110 "off-site"	Board	Removed the quotation marks from "on-site," a term other than the defined term

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702.110	"remedial action plan"	Board	Changed "35 Ill. Adm. Code 703.Subpart H" to "Subpart H of 35 Ill. Adm. Code 703"
702.110	"schedule of compliance"	Board	Removed quotation marks from "permit" and "appropriate Act and regulations," terms other than the defined term
702.110	"site"	Board	Removed quotation marks from "facility or activity," a term other than the defined term
702.110	"storage"	Board	Removed quotation marks from "hazardous waste," a term other than the defined term
702.110	"underground injection"	Board	Removed quotation marks from "well injection," a term other than the defined term
702.110	"underground source of drinking water"	Board	Removed quotation marks from "aquifer" and "exempted aquifer," terms other than the defined term
702.110	"USDW"	Board	Removed quotation marks from "underground source of drinking water," a term other than the defined term
702.110	"wastewater treatment unit"	Board, JCAR	Changed "which" to "that" for a restrictive relative clause; changed "335 Ill. Adm. Code 309.Subpart A and 310" to "Subpart A of 35 Ill. Adm. Code 309 and 35 Ill. Adm. Code 310"
702.110	Board note	Board	Updated the reference to the Code of Federal Regulations

the following person:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 7, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>. (Search the Board opinions and orders for docket R00-11 or R01-1.)

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
702.101 Purpose, Scope, and Applicability
702.102 Purpose and Scope (Repealed)
702.103 Confidentiality of Information Submitted to the Agency or Board
702.104 References
702.105 Rulemaking
702.106 Adoption of Agency Criteria
702.107 Permit Appeals and Review of Agency Determinations
702.108 Variances and Adjusted Standards
702.109 Enforcement Actions
702.110 Definitions

SUBPART B: PERMIT APPLICATIONS

Section
702.120 Permit Application
702.121 Who Applies
702.122 Completeness
702.123 Information Requirements
702.124 Recordkeeping
702.125 Continuation of Expiring Permits
702.126 Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section
702.140 Conditions Applicable to all Permits
702.141 Duty to Comply
702.142 Duty to Reapply
702.143 Need to Halt or Reduce Activity Not a Defense
702.144 Duty to Mitigate
702.145 Proper Operation and Maintenance
702.146 Permit Actions
702.147 Property Rights
702.148 Duty to Provide Information
702.149 Inspection and Entry
702.150 Monitoring and Records
702.151 Signature Requirements

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702.152 Reporting Requirements
702.160 Establishing Permit Conditions
702.161 Duration of Permits
702.162 Schedules of Compliance
702.163 Alternative Schedules of Compliance
702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section
702.181 Effect of a Permit
702.182 Transfer
702.183 Modification
702.184 Causes for Modification
702.185 Facility Siting
702.186 Revocation
702.187 Minor Modifications

AUTHORITY: Implementing Sections 7.2, 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. 1888, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is

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sometimes placed within quotation marks as to an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), or the "Environmental Protection Act"; whichever is applicable, and applicable regulations promulgated under those statutes.

"Approved program or approved state" means a state or interstate program that has been approved or authorized by USEPA under 40 CFR 271 (1996) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geologic ~~geologic~~ "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of which ~~that~~ is either 402 meters (one-quarter $\frac{1}{4}$ of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Cesspool" means a "drywell" that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Closure" (RCRA) means the act of securing a "waste management facility ~~Hazardous---Waste---Management---Facility~~" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group

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of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or radiological substance or matter in water.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under Subpart S of 35 Ill. Adm. Code 724-Subpart-S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU ~~must~~ shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576; 33 USC 1251 et seq. (1996).

"Date of approval by USEPA of the Illinois UIC program" means March 3, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

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"Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry, except when receiving fluids.

"Drilling mud" (UIC) means a heavy suspension used in drilling an injection well, introduced down the drill pipe and through the drill bit.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in Subpart D of 35 Ill. Adm. Code 721-Subpart-B only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel in 35 Ill. Adm. Code 720.110.

"Emergency permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" or "EPA" or "USEPA" means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if:

The owner or operator has obtained the federal, State, and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial loss and which are to be completed within a reasonable time.

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"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

"Facility mailing list" means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

"Facility or activity" means any "HWM facility", UIC "injection well", or "other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, State state, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, State, or local hazardous waste control statutes, regulations, or ordinances. (See 35 Ill. Adm. Code 700.102.)

"Final authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management Program that has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1996). USEPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions, as opposed to introduced fluids, such as "drilling mud".

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a

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zone of saturation.

"Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" or "HWM facility" means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or "disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means "Hazardous waste management Waste Management facility".

"Improved sinkhole" means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for purpose of directing and emplacing fluids into the subsurface.

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geologic geological "formation", group of formations, or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility that is treating, storing, or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management program that has met the requirements of Section 3006(g)(2) of RCRA and applicable requirements of 40 CFR 271 (1996). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility" or activity classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" that contains the information required by Subpart B of 35 Ill. Adm. Code 722-Subpart-B.

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"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill. Adm. Code 309-Subpart--A and 310. The term includes an "approved program".

"New HWM facility" (RCRA) means a "hazardous waste management ~~Hazardous Waste~~---Management facility" that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois.
BOARD NOTE: See 40 CFR 147.700 (1998) and 49 Fed. Reg. 3991 (Feb. 1, 1984).

"Off-site" (RCRA) means any site that is not "on-site".

"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private rights-of-way ~~rights-of-way~~, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way ~~rights-of-way~~. Non-contiguous properties owned by the same person, but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any "facility" or activity" subject to regulation under the RCRA or UIC program programs.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704-Subpart-E), or any permit that has not yet been the subject of final Agency action, such as a "draft permit" or a proposed permit ~~Braff-Permit~~---or-a-"Proposed-Permit".

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or

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their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an "HWM facility" to accept "hazardous waste".

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box-the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"POTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, P.L. 96-510, 42 USC 6901 et seq. (1996)). For the purposes of regulation under 35 Ill. Adm. Code 700 through 705, 720 through 728, 733, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the USEPA Region in which the facility is located or the Regional Administrator's designee.

"Remedial Action Plan" or "RAP" means a special form of RCRA permit

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that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm. Code 703-Subpart-H, instead of a RCRA permit issued under this Part and 35 Ill. Adm. Code 703, to authorize the treatment, storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Sanitary waste" means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (P.L. 93-523, as amended, 42 USC 300f et seq. (1996)).

"Septic system" means a well, as defined in this Section, that is used to replace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/USEPA agreement" means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

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"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway, or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion that is not an "exempted aquifer" and of which either of the following is true:

It supplies any public water system; or

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It contains a sufficient quantity of groundwater to supply a public water system; and

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/l total dissolved solids.

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"Wastewater treatment unit" means a device that which:

Is part of a wastewater treatment facility that is subject to regulation under Subpart A of 35 Ill. Adm. Code 309-Subpart-A or 310; and

Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension; a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a ~~bored, drilled, or driven "well", or--through--a--dug well where--the--depth--of--the--dug--well--is--greater--than--the--largest--surface dimension.~~

BOARD NOTE: Derived from 40 CFR 144.3 (1999) and 270.2 (1999) as amended at 64 Fed. Reg. 68565 (Dec. 7, 1999), and 270.2 (1999) as amended at 63 Fed. Reg. 65941 (November 30, 1998).

(Source: Amended at 24 Ill. Reg. 18610, effective 11/1/99)

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1) Heading of the Part: UIC Permit Program2) Code citation: 35 Ill. Adm. Code 7043) Section Numbers: Proposed Action:

704.102, 704.105, 704.106

704.107, 704.145, 704.146

704.148

704.279, 704.280, 704.281

704.282, 704.283, 704.284

704.285, 704.286, 704.287

704.288, 704.289

4) Statutory authority: 415 ILCS 5/7.2, 13, and 27.5) Effective date of amendments: 12/7/006) Does this rulemaking contain an automatic repeal date?: No7) Do these amendments contain incorporations by reference? No. The segments of the text of Part 704 under amendment in this proceeding do not include incorporations by reference.8) Statement of availability: The adopted amendments, a copy of the Board's opinion and order adopted December 7, 2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.9) Notice of proposal published in Illinois Register: 24 Ill. Reg. 14550, October 6, 2000

10) Has JCAR issued a Statement of Objections to these amendments: No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

11) Differences between proposal and final version: The following table summarizes the differences between the amendments adopted by the Board in an opinion and order dated December 7, 2000, in docket R00-11/R01-1 (consolidated), and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 7, 2000, in docket R00-11/R01-1 (consolidated), adopting the amendments.

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Section Revised	Source(s) of Revision(s)	Revision(s)
704 authority note	Board	Added a reference to Section 7.2 of the Act
704.102	JCAR	Changed "62 ILCS 240" to "62 Ill. Adm. Code 240"
704.105(b)	JCAR	Changed "these regulations" to "this Part"
704.105(b)(4)	JCAR	Changed "hydro carbons" to "hydrocarbons"
704.106(a)(2)	JCAR	Changed "one quarter mile" to "one-quarter mile"
704.106(a)(3)	JCAR	Changed "one quarter mile" to "one-quarter mile"
704.106(c)(2)	JCAR	Added the ending conjunction "and"
704.106(d)(1)	JCAR	Changed "owners or operators" to "owners and operators" (twice) to agree with similar amendments in subsections (d)(2) and (d)(3)
704.106 Board note	JCAR	Added "derived from" before the citation to the Code of Federal Regulations source of this Section
704.145(c)	JCAR	Changed "ground water" to "groundwater"; changed "U.S.C." to "USC" (twice)
704.148(b)(1)(A)	JCAR	Changed "62 ILCS 240" to "62 Ill. Adm. Code 240"
704.148(b)(2)	JCAR	Moved the closing period inside the closing parenthesis

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704.148(b)(2)(A)	JCAR	Removed an unnecessary period from "144.26(b)(2)(1)"; changed "62 ILCS 240" to "62 Ill. Adm. Code 240"
704.148(d)	JCAR, Board	Changed the former closing colon to a comma; deleted former subsection (d)(2) and incorporated the former text of subsection (d)(1) into subsection (d); changed "shall" to "must"
704.148(d)(1)	JCAR, Board	Changed "shall" to "must"; incorporated the former text of this subsection into subsection (d)
704.148(d)(2)	JCAR, Board	Removed this subsection
704.279 Board note	Board	Corrected the cross reference to "40 CFR 144.79"
704.280 Board note	Board	Corrected the cross reference to "40 CFR 144.80"
704.281(j)	JCAR, Board	Changed "non-oil or gas producing zone" to "non-oil-and-gas-producing area"
704.281 Board note	Board	Corrected the cross reference to "40 CFR 144.81"
704.282(a)(1)	Board, JCAR	Corrected the reference to "Section 704.122(a)"; removed the unnecessary comma before "if the presence . . ."; added "may cause a violation of" before "other health-based standards" to correlate with the first element of the series; changed "health based" to "health-based"

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704.282(a)(2)	Board	Corrected the reference to "Section 704.122(c), (d), or (e)"
704.282(b)	JCAR	Changed "disposed" to "disposed of"; changed "your" to "its"
704.282(c)	JCAR	Changed to capitalized "Subpart"; changed to lower-cased "UIC program" (twice)
704.282 Board note	Board	Corrected the cross reference to "40 CFR 144.82"
704.283(a)	JCAR	Changed the reference "Subpart G" to "Subpart I"
704.283(a)(2)(A)	JCAR	Added the definite article "the" before "injection well"
704.283(a)(2)(C)	JCAR	Moved the closing period inside the closing parenthesis
704.283 Board note	Board	Corrected the cross reference to "40 CFR 144.83"
704.284(b)	JCAR	Removed "if this is the case" at the end of "the owner or operator can find out . . . Region V"; changed to plural "tell"; removed a comma, deleted "it" and changed to plural "describe" to create a dependent clause
704.284(b)(1)	JCAR	Changed "prohibition against fluid movement standard" to "prohibition against fluid movement"

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704.284(b)(3)	JCAR	Changed "either or the following" to "either of the following"
704.284 Board note	Board	Corrected the cross reference to "40 CFR 144.84"
704.285(b) Board note	JCAR	Changed to capitalized "Statewide" (twice); changed "state-wide" to "Statewide"; added "Section 8 of"
704.285 Board note	Board	Corrected the cross reference to "40 CFR 144.85"
704.286 "state source water . . ."	JCAR	Changed "U.S.C." to "USC"
704.286 "state source water . . ."	Board note JCAR	Changed to all capitals "BOARD NOTE"
704.286 "complete local source water . . ." Board note	Board	Changed the series of four preconditions to four subsidiary subsections in series; changed "a State" to "the State"; deleted "first," "second," "third," and "lastly"; changed the ending punctuation of the subsidiary subsections from periods to semicolons and added the conjunction "and"; changed "each State" to "the State"
704.286 "groundwater protection area"	JCAR	Changed "U.S.C." to "USC" (twice)
704.286 "groundwater protection area" Board note	JCAR	Changed to lower-case "states"

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704.286 "community water system"	JCAR	Moved the comma outside the quotation mark
704.286 "non-transient, non-community water system"	JCAR	Moved the comma outside the quotation mark
704.286 "delineation"	JCAR	Moved the period outside the quotation mark
704.286 "other sensitive groundwater areas"	JCAR	Moved the period outside the quotation mark
704.286 Board note	Board	Corrected the cross reference to "40 CFR 144.86"
704.287(a) Board note	JCAR	Changed to lower-case "state"; changed the reference "Subpart G" to "Subpart I"; added a comma after "[415 ILCS 55]" to offset a parenthetical
704.287(b)(1)(B)	JCAR	Changed to lower-case "state" (four times)
704.287(c)	JCAR	Changed to capitalized "Section"
704.287(c) Board note	JCAR	Added "Section 8 of"
704.287(d)	JCAR, Board	Changed "Agency Bureau of Water" to "Illinois Environmental Protection Agency, Bureau of Water"
704.287(e)	JCAR	Changed "well is in such an area" to "well in such an area"
704.287(f)	JCAR	Changed "January 2008" to "January 1, 2008"

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704.287 Board note	Board	Corrected the cross reference to "40 CFR 144.87"
704.288 preamble	JCAR	Removed the opening definite article
704.288(b)(1)	JCAR, Board	Changed "and any of the following is also true" to "the following applies"
704.288(b)(1)(A)	Board, JCAR	Added the opening "if"; changed "within one year of" to "within one year after"; removed the conjunction "or" from the end
704.288(b)(1)(B)	Board	Added the opening "if"; removed the conjunction "or" from the end
704.288(b)(1)(C)	Board, JCAR	Added the opening "if"; removed the unnecessary comma from before the prepositional phrase "by the date . . ."; removed the conjunction "or" from the end
704.288(b)(1)(D)	Board	Added the opening "if"; removed the conjunction "or" from the end
704.288(b)(1)(E)	Board, JCAR	Added the opening "if"; changed "their" to "of its"; removed the conjunction "or" from the end
704.288(b)(1)(F)	Board, JCAR	Added the opening "if"; added a comma before the parenthetical "in which case . . ."
704.288(b)(1)(G)	Board	Added the opening "if"

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704.288 Board note	Board	Corrected the cross reference to "40 CFR 144.88"
704.289 preamble	JCAR	Changed "closing" to "closing or converting"
704.289(a)(1)	JCAR	Changed "prohibition against fluid movement standard" to "prohibition against fluid movement"; corrected the reference to "Section 704.122"; changed "disposed" to "disposed of"
704.289(a)(2)	JCAR	Added the indefinite article "a" before "sewer"
704.289 Board note	Board	Corrected the cross reference to "40 CFR 144.89"
12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.		

Since the Notices of Proposed Amendments appeared in the October 6, 2000 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in item 11 above. The table below indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the December 7, 2000 opinion and order in docket R00-11/R01-1 (consolidated) for additional details on the JCAR suggestions and the Board actions with regard to each.

Section Affected	Source(s) of Request: Requested Revision(s)	Explanation
704.106(d)(1)	JCAR: Add a comma before "to dispose of"	The prepositional phrase is not a parenthetical or independent clause that needs to be offset by a comma

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- 704.106(d)(2) JCAR: Add a comma before the prepositional phrase is not a parenthetical or independent clause that needs to be offset by a comma
- 704.148(e)(2) JCAR: Delete the Removal of the provision might cause USEPA to deem the Illinois rules less stringent than the corresponding federal rules
- 704.281(h) JCAR: Add "or not" after the usage is in the "whether" alternative sense, not as an idiom, and the words "or not" already appear after the first alternative
- 704.282(a)(1) JCAR: Remove the comma before "other health based standards" and second elements of a multi-element series; the Board opted for an alternative method for presenting the four pre-conditions was selected, as indicated in Table 2 above
- 704.286 JCAR: change the colon An alternative method for "complete local after "are met" to a presenting the four source water period pre-conditions was selected, assessment . . . as indicated in Table 2 above ."

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 7, 2000, adopting amendments in consolidated UIC update docket R00-11/R01-1, which opinion and order is available from the address below.

This proceeding updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during two update periods. The dockets and time periods that are involved in this proceeding are the following:

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- R00-11 Federal UIC amendments that occurred during the period July 1, 1999, through December 31, 1999.
- R01-1 Federal UIC amendments that occurred during the period January 1, 2000, through June 30, 2000.
- The consolidated R00-11/R01-1 docket amends rules in Parts 702, 704, 730, and 738. Prior to discussing the specific changes made to this part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:
- 64 Fed. Reg. 68546 Class V injection well amendments.
(December 7, 1999)
- 64 Fed. Reg. 70316 USEPA corrections to its amendments of
(December 16, 1999) December 7, 1999.
- 65 Fed. Reg. 5024 USEPA corrections to its amendments of
(February 2, 2000) December 7, 1999.
- 65 Fed. Reg. 14472 Withdrawal of the organobromine production
(March 17, 2000) waste listings and LDRs.
- 65 Fed. Reg. 30886 Streamlining amendments to the NPDES permit
(May 15, 2000) rules, including an amendment to the UIC permit rules.
- 65 Fed. Reg. 36365 USEPA corrections to its action of March 17,
(June 8, 2000) 2000.

Specifically, the amendments to Part 704 implement segments of the federal Class V injection well amendments of December 7, 1999 and the December 16, 1999 and February 2, 2000 corrections to those amendments.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board

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made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board92s opinion of December 7, 2000, in docket R00-11/R01-1 (consolidated). Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)	
704.Table of Contents	144 Table of Contents	Altered the heading for Subpart I and the Section headings in that Subpart, as explained below for the Subpart and Section headings in the text of the rule	
704.106(a)(3)	144.6(a)(3)	Changed "which" to "that" to offset a restrictive relative clause; changed "one quarter mile" to "one-quarter mile"	
704.145(c)	144.23(c)	Changed "ground water" to "groundwater"; changed "that" to "which" for a subsequent restrictive relative clause; changed "EPA" to "USEPA"; omitted the unnecessary words "or a State," since this State is not able to authorize the injection under CERCLA; added a general reference to Agency authorization by permit	
704.146(a)	144.24(a)	Added "set forth"	
Subpart I Heading	144, Subpart G	Omitted "Owners and operators of"	
704.279	144.79	Changed "tells you" to "sets forth"; changed "apply if you own or	

	704.279 Board note	144.79	Added a citation to the federal source of this provision; added an explanation of the Board's decision not to follow the federal format for this Subpart
	704.280 heading	144.80	Changed "what is" to "definition of"; deleted question mark
	704.280	144.80	Replaced the definition in subsections (a) through (e) with a cross-reference to the definition of Section 704.106 (derived from 40 CFR 144.6), leaving the added explanatory text of subsection (e)
	704.280(e)	144.80(e)	Changed "you place" to "placed"; changed "your" to "the"
	704.280 Board note	144.80	Added a citation to the federal source of this provision

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704.281 heading	144.81	Changed "does this subpart apply to me?" to "examples of class V injection wells"
704.281	144.81	Changed the opening statement of applicability to one stating that the following listing are examples of wells to which the Subpart applies, in order to avoid conflict with the applicability statement in Section 704.279 (derived from 40 C.F.R. 144.79); changed the subsection numbers (l) through (16) to the appropriate letters (a) through (p)
704.281(b)	144.81(2)	Added a comma before "including" to offset a parenthetical; hyphenated "multiple-dwelling"; removed an unnecessary comma before "containing"; changed "which" to "that" for a restrictive relative clause (twice); added a comma before "nor" to offset a parenthetical; added "do they apply"; added "which" for a subsequent restrictive relative clause; changed the ending punctuation to a semicolon for consistency
704.281(c)	144.81(3)	Added "that are"
	144.81(4)	704.281(d) Added "that are"
704.281(e)	144.81(5)	Added "that are"
704.281(f)	144.81(6)	Added "that are"
704.281(g)	144.81(7)	Added "that are"

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704.281(h)	144.81(8)	Added "that are"; changed the ending punctuation to a semicolon for consistency
704.281(i)	144.81(9)	Added "that are"; changed "which" to "that" for a restrictive relative clause; added "which" for a subsequent restrictive relative clause; changed the ending punctuation to a semicolon for consistency
704.281(j)	144.81(10)	Added "that are"; changed "non-oil or gas producing zone" to "non-oil-and-gas-producing area"
704.281(k)	144.81(11)	Added a comma to offset the final element of a three-element series
704.281(l)	144.81(12)	Added "that are"
704.281(m)	144.81(13)	Added "that are"
704.281(n)	144.81(14)	Added "that are"; changed the ending punctuation to a semicolon for consistency
704.281(o)	144.81(15)	Added "that are"; changed the ending punctuation to a semicolon for consistency; added the ending conjunction "and"
704.281(p)	144.81(16)	Added "which" for a subsequent restrictive relative clause; added the indefinite articles "a" and "an" (three times); changed "new and used car dealership" to "new or used car dealership"; changed the reference to the primary drinking water regulations to cite the Illinois regulations at 35

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Ill. Adm. Code 611, instead of the federal regulations at 40 C.F.R. 142; changed "which" to "that" for a restrictive relative clause

704.281 Board note 144.81

Added a citation to the federal source of this provision

704.282 heading 144.82

Changed "what must I do to protect" to "protection of"; dropped the ending question mark

704.282 preamble 144.82

Changed the opening statement "if you own or operate any type of Class V well, the regulations below require that you cannot" to "this Subpart I requires that an owner or operator of a Class V injection well must not"; added "that" for clarity to the second through fourth restrictive relative clauses in a series; changed "you" to "the owner or operator" (five times); changed "your State" to "the State"; changed "your well" to "its well" (twice); changed "is" to "are"; added a Board note citing the source of this provision

704.282(a)(1) 144.82(a)(1)

Changed "your" to "an owner's or operator's" (twice); removed the unnecessary comma before "if the presence . . ."; changed the reference to the primary drinking water regulations to cite the Illinois regulations at 35 Ill. Adm. Code 611, instead of the federal regulations

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at 40 C.F.R. 142; added "may cause a violation of" before "other health-based standards" to correlate with the first element of the series; changed "health based" to "health-based"

704.282(a)(2)

144.82(a)(2)

Changed "Director of the UIC Program in your State or EPA Region" to "the Agency or USEPA"; changed "your" to "an owner's or operator's"; changed "he or she" to "the Agency or USEPA"; changed "you" to "the owner or operator" (twice); changed "your" to "its"

704.282(b)

144.82(b)

Changed "you" to "an owner or operator"; changed "you" to "the owner or operator"; changed "disposed" to "disposed of"; changed "your" to "its"; used lower-case "federal"

704.282(c)

144.82(c)

Changed the reference to "Parts 144 through 147" to cite the Illinois regulations at "this Part and 35 Ill. Adm. Code 702 and 730" (twice); changed "you" to "the owner or operator" (twice); changed to lower-case "UIC program" (twice); changed "need" to "needs"; added "all of"; changed "these other parts" to "this Part and 35 Ill. Adm. Code 702 and 730"

704.282(d)

144.82(d)

Changed "EPA" to "USEPA"; changed the reference to "Parts 144 through 147" to cite the Illinois

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regulations at "this Part and 35 Ill. Adm. Code 702 and 730"; used lower-case and hyphenated "federally-derived"; changed "EPA Regional Offices" to "the Agency and USEPA Region V"; changed the reference to "parts 144 through 147" to cite both the Illinois and federal regulations at "this Part and 35 Ill. Adm. Code 702 and 730 and 40 CFR 144 through 147"; changed "believed" to "such additional requirements are determined"; omitted sentence stating that "States can . . . protect USDWs"; changed "you" to "the owner or operator"; broke a compound sentence for clarity; Added "the owner or operator should"; changed "State or EPA Region" to "Agency or USEPA Region V"

704.282 Board note 144.82
Added a citation to the federal source of this provision

704.283 heading 144.83
Changed "do I need to notify anyone about my" to "notification of a"; dropped the ending question mark

704.283 preamble 144.83
Changed "yes, you need" to "the owner or operator of a Class V injection well needs"; changed "your" to "its"; changed "UIC Director" to "Agency"; changed "you haven't" to "the owner or operator has not done so"; changed "you also need" to "the owner or

operator also needs"; changed "your program Director" to "the Agency"

Changed "you know you have" to "the owner or operator knows it has"; changed "you" to "the owner or operator"; changed "UIC Program Director" to "Agency"; changed "yourself" to "itself"; changed "your" to "its"

704.283(a) 144.83(a)
704.283(a) Board note 144.83 note
704.283(a)(1) 144.83(a)(1)

Changed the format to incorporate the pertinent tabular information relating to primacy states into a single subsection, eliminating inapplicable segments of the text relating to direct implementation states and segments relating to the selection of the appropriate segments of text; changed "State UIC Program" to "the Agency"; added "information"; changed "you" to "it"; added "it must submit that information"

704.283(a)(2) 144.83(a)(2)
Deleted segments of the text stating applicability to both direct implementation and primacy state; changed "here" to "the following"; changed "you" to "that the owner or operator"

704.283(a)(2)(A) 144.83(a)(2)(i)
Changed "you own or operate" to "is owned or operated"; changed "you" to

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"the owner or operator"; changed "legal contact" to "a legal contact person for the facility"; added the definite article "the" (five times); changed "well(s)" to "well or wells" (twice); added the definite article "the" before "injection well"

704.283(a)(2)(B) 144.83(a)(2)(ii) This provision was replaced with an explanation that it was omitted because it pertains exclusively in a "direct implementation state"

704.283(a)(2)(C) 144.83(a)(2)(iii) Changed "you" to "the owner or operator"; changed "owned or operated" to "it owns or operates"; moved the closing period inside the closing parenthesis

704.283(a)(2)(C)(i) 144.83(a)(2)(iii)(A) Added the definite article "the"; changed "your" to "this"

704.283(a)(2)(C)(ii) 144.83(a)(2)(iii)(B) Added the definite article "the"

704.283(a)(2)(C)(iii) 144.83(a)(2)(iii)(C) Added the definite article "the"

704.283(a)(2)(C)(iv) 144.83(a)(2)(iii)(D) Added the definite article "the"

704.283(a)(2)(C)(v) 144.83(a)(2)(iii)(E) Added the indefinite article "a"

704.283(a)(2)(C)(vi) 144.83(a)(2)(iii)(F) Added the definite article "the"

704.283(a)(2)(C)(vii) 144.83(a)(2)(iii)(G) Added the definite article "the"

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704.283(a)(2)(C)(viii) 144.83(a)(2)(iii)(H) Added the definite article "the"

704.283(a)(2)(C)(ix) 144.83(a)(2)(iii)(I) Added the definite article "the"

704.283(a)(3) 144.83(a)(3) Deleted segments of the text stating applicability to both direct implementation and privacy state; changed "you are" to "that the owner or operator is"

704.283(b) 144.83(b) This provision was replaced with an explanation that it was omitted because it pertains exclusively in a "direct implementation state"

704.283 Board note 144.83 Added a citation to the federal source of this provision

704.284 heading 144.84 Changed "do I need to get a permit" to "permit requirements"; dropped the ending question mark

704.284 preamble 144.84 Changed "no" to "no permit is required for a Class V injection well"; changed "you fall" to "the owner or operator falls"; changed "below" to "in subsection (b) of this Section"

704.284(a) 144.84(a) Changed "your" to "an owner's or operator's"; changed "you have" to "that the owner or operator has"; changed "the UIC Program" to "this Part and 35 Ill. Adm. Code 702 and 730"; changed "you don't have" to "the owner or operator does not need"; changed "you

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have" to "the owner or operator has"; changed "your" to "its"

704.284(b)

144.84(b)

Changed the opening descriptive statement to lower case; changed "you fit" to "an owner or operator fits"; changed "your" to "its"; changed "you" to "the owner or operator"; added "whether . . . categories"; changed "the UIC Program Director or EPA Region" to "the Agency or USEPA Region V"; removed "if this is the case" at the end of "the owner or operator can find out . . . Region V"; changed "Subpart D of this Part" to "Subparts D and H of this Part"; changed to plural "tell"; removed a comma, deleted "it" and changed to plural "describe" to create a dependent clause; changed "Subpart E of this Part outlines" to "Subpart C of 35 Ill. Adm. Code 702 and Subpart E of this Part outline"; changed "you" to "the owner or operator"; changed "you get" to "it gets"; added the introductory statement "An owner or operator . . . if any of the following is true:"

704.284(b)(1)

144.84(b)(1)

Changed "you fail" to "the owner or operator fails"; changed "of" to "against"; changed "prohibition against fluid movement standard" to "prohibition against fluid movement";

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changed "you have" to "the owner or operator must"; changed "your" to "its"; changed "and/or" to "or"; changed "UIC Program Director of your State or EPA Region" to "Agency or USEPA Region V"

704.284(b)(2)

144.84(b)(2)

Changed "you own or operate a Class V large-capacity cesspool" to "the Class V injection well is a large-capacity cesspool"; changed "below" to "set forth in Section 704.288"; changed "a Class V motor vehicle waste disposal well" to "the Class V injection well is a motor vehicle waste disposal well"; added the indefinite article "a"; changed "you" to "the owner or operator"; changed "your" to "its"; added "set forth" changed "this subsection" to "Section 704.288"; deleted the past effective date of April 5, 2000, but added a Board note that references the corresponding federal provision that includes the date

704.284(b)(3)

144.84(b)(3)

Changed "you are" to "the owner or operator is"; changed "UIC Program Director of your State or EPA Region" to "Agency or USEPA Region V"; changed "the rule authorization" to "the authorization by rule"; changed "upon" to "on"; changed "you are" to "the owner or operator is"; changed "your" to "its"; added "the occurrence

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either of the following"

location"; changed "you are" to "the owner or operator is" (twice); added a comma to offset the "if" clause; changed "this subpart" to "Section 704.288"

704.284(b)(3)(A) 144.84(b)(3)(i)

Added the definite article "the"; added "of the owner or operator"; added a comma before "as specified" to offset a parenthetical; changed "Director" to "Agency"

704.284(b)(3)(B) 144.84(b)(3)(ii)

Added the definite article "the"; added the indefinite article "a"

704.284(b)(4)

144.84(b)(4)

Changed "you have" to "the owner or operator has"; changed "your UIC Program Director" to "the Agency"; changed "you are" to "the owner or operator is"; changed "your" to "its"; changed "you comply" to "it complies"

704.284(b)(5)

144.84(b)(5)

This provision was replaced with an explanation that it was omitted because it pertains exclusively in a "direct implementation state"

704.284 Board note

144.84

Added a citation to the federal source of this provision

704.285 heading

144.85

Changed "do these additional requirements apply to me" to "applicability of the additional requirements"; dropped the ending question mark

704.285(a)

144.85(a)

Put introductory words in lower case; added "set forth in Section 704.288"; omitted unnecessary words "regardless of their

704.285(b)

144.85(b)

Put introductory words in lower case; changed "you have" to "the owner or operator has"; added a comma to offset the "if" clause; changed "these requirements" to "the additional requirements in Section 704.288"; changed "you" to "that owner or operator"; changed "your" to "the"; changed "State or EPA Region" to "the Agency, the Board, or USEPA Region V"; omitted language relating to a state failure to identify groundwater protection areas or sensitive groundwater areas; added a Board note explaining this omission

704.285(c)

144.85(c)

Added "in Section 704.288"; deleted the past effective date of April 5, 2000, but added a Board note that references the federal corresponding provision that includes the date

704.285 Board note

144.85

Added a citation to the federal source of this provision

704.286 heading

144.86

Changed "what are the definitions I need to know" to "definitions"; dropped the ending question mark

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704.286 drinking source assessment and protection program"	144.86(a)	Used lower case for the defined term and placed it in quotation marks; added a reference to the section of SDWA involved, including the citation to the United States Code; added "Board Note: Under the federal requirements"; changed "EPA" to "USEPA"; changed "States" to "each state"; added "the following"; added references to the Act and Illinois Groundwater Protection Act, including corresponding regulations
704.286 "state water assessment for groundwater protection areas"	144.86(b)	Used lower case for the defined term (twice) and placed its first appearance in quotation marks, rendering "groundwater" as a single word; changed "EPA" to "USEPA"; changed "States" to "the state"; changed "their State" to "that state"; changed "this rule" to "this Subpart"; changed "four requirements" to "the four following requirements"; changed the series of four preconditions to four subsidiary subsections in series; changed "a State" to "the State"; deleted "first," "second," "third," and "lastly"; changed the ending punctuation of the subsidiary subsections from periods to semicolons and added the conjunction "and"; added the parenthetical "as such . . ."; removed quotation marks from "determine . . . contaminants"; changed "each State" to "the State"
704.286 "groundwater protection area"	144.86(c)	Used lower case for the defined term and placed it in quotation marks, dropping the period that followed it and its repetition in the following words; changed "and/or" to "or"; changed to singular "a community or non-transient non-community water system . . . that uses"; added the parenthetical "as defined . . ."; rendered "groundwater" as a single word (twice); added a reference to the Act definition of "setback zone"; replaced "States are required" to "federal law requires"; added the appropriate citation to the United States Code; changed "you" to "an owner or operator"; changed "your" to "its"; broke a runon sentence, replacing a comma with a period and "Board Note: . . . that"; removed an unnecessary comma; changed "as delineated" to "delineated as described"; added "federal" and an appropriate citation to the United States Code
704.286 "community water system"	144.86(d)	Used lower case for the defined term and placed it in quotation marks, dropping the period that followed it and its repetition in the following words; added the parenthetical "as defined . . ."; added "which" for a subsequent relative clause

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704.286 transient community system"	"non- non- water	144.86(e)	Used lower case for the defined term and placed it in quotation marks, dropping the period that followed it and its repetition in the following words; added the parenthetical "as defined . . ."; changed "a public water system" to "is a water system"; added "which" for a subsequent relative clause; changed "government/military" to "government or military"
704.286 "delineation"		144.86(f)	Used lower case for the defined term and placed it in quotation marks (twice); changed "a State's" to "the State's"; used lower case for "drinking water . . . protection program"; used singular "State"; rendered "groundwater" as a single word
704.286 sensitive groundwater areas"	"other groundwater areas"	144.86(g)	Used lower case for the defined term and placed it in quotation marks; rendered "groundwater" as a single word (four times); changed "States" to "the State"; added a reference to the Act definition of "regulated recharge area"
704.286 Board note		144.86	Added a citation to the federal source of this provision
704.287 heading		144.87	Changed "how does the identification of ground water protection areas and other sensitive ground water areas affect me" to "location in a groundwater protection area or another

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704.287(a)	144.87(a)	sensitive area"; dropped the ending question mark
		Changed "you are" to "a person is"; changed "these new requirements" to "the requirements of Section 288"; changed "you own or operate" to "the person owns or operates"; changed "you are" to "that person is"; rendered "another" as a single word; omitted a language relating to a State failure to identify areas, adding a Board note to explain the omission and the existence of various State laws relating to groundwater protection
704.287(b)	144.87(b)	Used lower case for the opening phrase; added text explaining that major segments of this subsection outline requirements applicable to the State, and that the Board has included those segments for the purpose of informing the regulated community
704.287(b)(1)	144.87(b)(1)	Changed "States are required" to "USEPA requires the States"; changed "a State" to "the State"
704.287(b)(1)(A)	144.87(b)(1)(i)	Used singular "the owner or operator" and "a motor vehicle waste disposal well"; changed "completed assessments" to "the areas of the completed area assessments"

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704.287(b)(1)(B)

144.87(b)(1)(ii)

Changed "EPA" to "USEPA"; changed "progress on" to "progress toward"; added a comma to offset the introductory conditional phrase "if . . . extended date"; added a comma to offset an independent clause "and owners or operators . . ."

704.287(b)(2)

144.87(b)(2)

Changed "UIC Program Director may" to "the Agency must"; added "if it determines that"; added a Board note explaining the right to appeal an Agency determination

704.287(c)

144.87(c)

Used lower case for the opening phrase; omitted text outlining the effects of a state failure to designate areas; changed "if a State has been granted" to "if USEPA grants the State"; added "of the time . . . areas"; changed existing motor vehicle waste disposal well owners and operators" to "the owner or operator of an existing motor vehicle waste disposal well" used singular "a sensitive groundwater area has"; changed "they are" to "the owner or operator is"; changed "a State" to "the State"; omitted "the rule requirements . . . State and" used singular "an owner or operator has"; changed "they are" to "it is"; added a Board note explaining the omission, outlining the Board's interpretation of segments

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704.287(d)

144.87(d)

of the federal language, and directing attention to the Illinois laws that protect groundwater resources

Used lower case for the opening phrase; omitted text outlining the effects of a state failure to designate areas; changed "how to find out if your" to "finding out if a"; rendered "groundwater" as one word (twice); replaced language imposing informational requirements on the states with language imposing the duty on the Agency to maintain the information available for public inspection and copying and giving Agency contact information to determine if a well is located in a groundwater protection area or another sensitive groundwater area

704.287(e)

144.87(e)

Used lower case for the opening phrase; moved the prepositional phrase "after January 1, 2004"; changed "your State may assess" to "if the State assesses"; combined three sentences by replacing periods with a comma, changing "also, your state may officially re-delineate" to "or if the State re-delineates," adding "or if the State," and deleting "this would make"; used singular "an additional area"; omitted redundant language "that includes . . . well"; added "of Section 704.288";

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changed "well is in such an area" to "well in such an area"; added "would"; changed "you if" to "any"; changed "start applying" to "apply"; changed "you" to "the affected . . . well"; changed "UIC Program Director responsible for your area may" to "Agency must"; added "it determines that"; added a Board note explaining the right to appeal an Agency determination

704.287(f)

144.87(f)

Deleted the opening phrase; changed "If your State or EPA Region" to "the State"; added "of Section 704.288"; changed "you" to "all Class V injection wells in the State"; added a comma before and after "regardless of the location"; changed "January 2008" to "January 1, 2008"

704.287(g)

144.87(h)

Renumbered the subsection because USEPA did not include a 40 C.F.R. 144.27(g); used lower case for the opening phrase; rendered "groundwater" as a single word (twice); omitted language describing USEPA's expectations of the states; changed "the Director may" to "the Agency must"; added "in Section 704.288"; changed "you" to "an owner or operator"; changed "even if you are" to "even if the owner's or operator's well is"; added "if the Agency . . . environment" offset by a comma; added a Board note

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explaining the right to appeal an Agency determination and the omission of some federal language

704.287 Board note

144.87

Added a citation to the federal source of this provision

704.288 heading

144.88

Changed "what are the additional requirements" to "additional requirements"; dropped the ending question mark

704.288 preamble

144.88

Removed the opening definite article; changed "specified in the following tables" to "as follows"

704.288(a)

144.88(a)

Reformatted the table information into subsections; changed "if these additional requirements apply" to "the applicability of these additional requirements"

704.288(a)(1)

144.88(a)(1)

Combined the column heading with the information in the first column; changed "your" to "the"; added a colon

704.288(a)(1)(A)

144.88(a)(1)(i)

Substituted "the owner or operator must" for the column heading and combined it with the information in the second column, then combined the column heading with the information in the third column

704.288(a)(1)(B)

144.88(a)(1)(ii)

Substituted "the owner or operator must" for the column heading and combined it with the information in

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the second column, then combined the column heading with the information in the third column; changed "UIC Program Director" to "Agency"; changed "your" to "its"

"your" to "the" (twice); changed "you" to "the owner or operator"; changed "within one year of" to "within one year after"; changed "UIC Program Director" to "Agency must"; added "it determines that"; added ending semicolon

704.288(a)(1)(B)
Board note

144.88(a)(1)(ii)
note

Changed "note" to "Board note"; changed "national" to "the federal"; added "entitled"; added "available . . . on request"

704.288(a)(2)

144.88(a)(2)

Combined the column heading with the information in the first column, then combined the headings with the information in the second and third columns; changed "your" to "the"; omitted the past date "April 5, 2000"; added a Board note referencing the federal rule and the omitted date

704.288(b)(1)(B)

144.88(b)(1)(ii)

Combined the column heading with the information in the second column, then combined the column heading with the information in the third column; changed "your" to "the"; rendered "groundwater" as a single word; changed "you" to "the owner or operator"; changed "UIC Program Director" to "Agency must"; added "it determines that"; added ending semicolon

704.288(b)

144.88(b)

Reformatted the table information into subsections; changed "if these additional requirements apply" to "the applicability of these additional requirements"

704.288(b)(1)

144.88(b)(1)

Combined the column heading with the information in the first column; changed "your" to "the"; added "the following applies"; added a colon

704.288(b)(1)(A)

144.88(b)(1)(i)

Combined the column heading with the information in the second column, then combined the column heading with the information in the third column; changed

704.288(b)(1)(C)

144.88(b)(1)(iii)

Combined the column heading with the information in the second column, then combined the column heading with the information in the third column; changed "you plan" to "the owner or operator" plans; moved the prepositional phrase "by the date . . ." application, offset by a comma; changed "you submit" to "the owner or operator submits"; changed "you" to "the owner or operator"; changed "MCLs" to "the maximum contaminant levels (MCLs) for drinking water, set forth in 35 Ill. Adm. Code 611"; changed "your" to "the" (twice); changed "you choose" to "the owner

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or operator chooses"; added ending semicolon

your well is in a State that" to "if the State"; changed "you are" to "the well is"; changed "you" to "the owner or operator"; changed "your" to "its"; added a comma before "unless" to offset parenthetical information; changed "your" to "the" (twice); added ending semicolon

704.288(b)(1)(D)

144.88(b)(1)(iv)

Combined the column heading with the information in the second column, then combined the column heading with the information in the third column; changed "you receive" to "the owner or operator" receives; changed "you" to "the owner or operator"; moved the prepositional phrase "by the date . . . permit"; changed "you choose" to "the owner or operator chooses"; changed "your" to "the" (twice); added ending semicolon

704.288(b)(1)(G)

144.88(b)(1)(vii)

Combined the column heading with the information in the second column, then combined the column heading with the information in the third column; changed "if you plan" to "if the owner or operator plans"; changed "your" to "its" (twice); changed "you" to "the owner or operator"; changed "UIC or operator"; changed "UIC Program Director" to "Agency"; changed "your" to "the"; added ending semicolon and the conjunction "or"

704.288(b)(1)(E)

144.88(b)(1)(v)

Combined the column heading with the information in the second column, then combined the column heading with the information in the third column; changed "if your well is located in a State which" to "if the State"; changed "their" to "of its"; placed the parenthetical information "or . . . Section 704.287" in parentheses; changed "your" to "the"; changed "you are" to "the well is"; changed "you" to "the owner or operator"; added a comma before "unless" to offset parenthetical information; added ending semicolon

704.288(b)(1)(G)
Board note144.88(b)(1)(vii)
note

Changed "note" to "Board note"; changed "national" to "the federal"; added "entitled"; added "available . . . on request"

704.288(b)(1) Board
note

144.88(b)(1)

Added a Board note explaining the right to appeal an Agency determination under subsections (b)(1)(A), (b)(1)(B), or (b)(1)(E)

704.288(b)(1)(F)

144.88(b)(1)(vi)

Combined the column heading with the information in the second column, then combined the column heading with the information in the third column; changed "if

704.288(b)(2)

144.88(b)(2)

Combined the column heading with the information in the first column; changed "your" to "the"; omitted

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the past effective date "April 5, 2000"; added a Board note referencing the federal rule and the omitted date

704.288 Board note144.88Added a citation to the federal source of this provision

704.289 heading144.89Changed "how do I close my Class V injection well" to "closure of a Class V injection well"; dropped the ending question mark

704.289 preamble144.89Changed "closing" to "closing or converting"; changed "your" to "a"; added a colon

704.289(a)(1)144.89(a)(1)Changed "you" to "the owner or operator" (twice); changed "prohibition against fluid movement standard" to "prohibition against fluid movement"; added "set forth"; omitted a sentence relating to additional state standards; changed "also must" to "must also"; changed "disposed" to "disposed of"; changed "your" to "the"; used lower case "federal"; added "described"

704.289(a)(2)144.89(a)(2)Changed "you need" to "the owner or operator needs" (twice); changed "your" to "its" (twice); added "the following" (twice); added the familiar abbreviation "POTW" in parentheses; changed "you" to "the owner or operator"; substituted "POTW" for "publicly owned

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treatment works" (twice); changed "your" to "the owner's or operator's"; added the indefinite article "a" before "sewer"

704.289(b)144.89(b)Changed "UIC Director" to "Agency"; added "the following two conditions are fulfilled"; added numbers in parentheses to clearly delineate the conditions; omitted the unnecessary semicolon before and comma after the conjunction "and"

704.289 Board note144.89Added a citation to the federal source of this provision

Table 2:
Board Housekeeping Amendments

Section	Source	Revision(s)
704 authority note	Board	Added a reference to Section 7.2 of the Act
704 source note	Board	Restored the missing reference to the amendments of R94-17
704.102	Board	Changed "will be adopted" to "is regulated"; changed "Illinois Department of Mines and Minerals" to "Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division"; changed "Section 1425 of the SDWA . ." to "the Illinois Oil and Gas Act . . ."; changed "shall" to "must"; changed "704.Subpart C" to "Subpart C of this Part"

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704.102 Board Note	Board	Added "preamble" to the Code of Federal Regulations reference; updated the reference to the 1999 edition
704.105(b)	JCAR	Changed "these regulations" to "this Part"
704.105(b)(4)	JCAR	Changed "hydro carbons" to "hydrocarbons"
704.105 Board Note	Board	Updated the reference to the Code of Federal Regulations to the 1999 edition and added a reference to a subsequent amendment that appeared in the Federal Register
704.106(a)(1)	Board	Corrected "and" to "an"
704.106(a)(2)	JCAR	Changed "one quarter mile" to "one-quarter mile"
704.106(c)	Board	Restored the missing word "fluids"; corrected to plural "minerals"
704.106(c)(2)	Board, JCAR	Restored the missing word "mining"; added the ending conjunction "and"
704.106(d)(1)	Board	Changed "owners or operators" to "owners and operators" (twice); added hyphenation to the compound "one-quarter"
704.106(d)(2)	Board	Corrected "owners or operators" to "owners and operators" (twice)
704.106(d)(3)	Board	Corrected "owners or operators" to "owners and operators"

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704.106 Board Note	Board, JCAR	Corrected the note format; added "derived from" before the citation; updated the reference to the Code of Federal Regulations to the 1999 edition
704.145(b)(1)	Board	Changed "shall" to "must"
704.145(b)(3)	Board	Changed "shall" to "must"
704.145 Board note	Board	Updated the reference to the Code of Federal Regulations to the 1999 edition and added a reference to a subsequent amendment that appeared in the Federal Register
704.146 Board note	Board	Updated the reference to the Code of Federal Regulations to the 1999 edition and added a reference to a subsequent amendment that appeared in the Federal Register
704.148	Board	Changed "shall" to "must"; changed "subsection (d) or (e) below" to "subsection (d) or (e) of this Section"
704.148(a)	Board	Changed "shall" to "must"
704.148(b)	Board	Changed "subsection (b)(1) below" to "subsection (b)(1) of this Section"; changed "shall" to "must"; changed "subsection (b)(2) below" to "subsection (b)(2) of this Section"
704.148(b)(1)	Board	Added subsection (b)(1)(A) to correspond with 40 CFR 144.26(b)(1)(i), explaining that Class II wells are regulated by the Department of Natural Resources;

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renumbered subsections (b)(1)(A) and (b)(1)(B) to subsections (b)(1)(B) and (b)(1)(C)

Changed "subsection (b)(1) above" to "subsection (b)(1) of this Section"; changed "shall" to "must"; moved the closing period inside the closing parenthesis

704.148(b)(2)

Board, JCAR

704.148(b)(2)(A)

Board

Added subsection (b)(2)(A) to correspond with 40 CFR 144.26(b)(2)(i), explaining that Class II wells are regulated by the Department of Natural Resources

704.148(b)(2)(B)

Board

Renumbered from subsection (b)(1)(A)

704.148(b)(2)(C)

Board

Renumbered from subsection (b)(1)(B)

704.148(b)(2)(D)

Board

Renumbered from subsection (b)(1)(C)

704.148(b)(2)(E)

Board

Renumbered from subsection (b)(1)(D)

704.148(b)(2)(F)

Board

Renumbered from subsection (b)(1)(E)

704.148(b)(2)(G)

Board

Renumbered from subsection (b)(1)(F)

704.148(b)(2)(H)

Board

Renumbered from subsection (b)(1)(G)

704.148(b)(2)(I)

Board

Renumbered from subsection (b)(1)(H)

704.148(b)(2)(J)

Board

Renumbered from subsection (b)(1)(I)

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704.148(c) Board Changed "U.S. EPA" to "USEPA"

704.148(d) Board, JCAR Changed "subsection (e) below" to "subsection (e) of this Section"; changed the former closing colon to a comma, deleted former subsection (d)(2) and incorporated the former text of subsection (d)(1) into subsection (d); changed "shall" to "must"

704.148(d)(1)

Board

Changed "shall" to "must" and incorporated the former text of this subsection into subsection (d)

704.148(d)(2)

Board

Removed this subsection

704.148(e)(1)

Board

Changed "U.S. EPA" to "USEPA"; changed "subsection (d) above" to "subsection (d) of this Section"

704.148(e)(2)

Board

Changed "shall" to "must"

704.148(e)(3)

Board

Changed "shall" to "must"

704.148(e)(4)

Board

Changed "subsection (e)(2) or (e)(3) above" to "subsection (e)(2) or (e)(3) of this Section"

704.148 Board note

Board

Updated the reference to the Code of Federal Regulations to the 1999 edition and added a reference to a subsequent amendment that appeared in the Federal Register

16) Please reference consolidated Docket R00-11/R01-1 and direct inquiries to the following person:

Michael J. McCambridge

POLLUTION CONTROL BOARD

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Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 7, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>. (Search the Board opinions and orders for docket R00-11 or R01-1.)

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 704

UIC PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Content
704.101	Scope of the Permit or Rule Requirement
704.102	Identification of Aquifers
704.103	Exempted Aquifers
704.104	Specific Inclusions and Exclusions
704.105	Classification of Injection Wells
704.106	Definitions
704.107	

SUBPART B: PROHIBITIONS

Section	Content
704.121	Prohibition of Unauthorized Injection
704.122	Prohibition of Movement of Fluid into USDW
704.123	Identification of USDW and Exempted Aquifers
704.124	Prohibition of Class IV Wells

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section	Content
704.141	Existing Class I and III Wells
704.142	Prohibitions on Injection into Wells Authorized by Rule
704.143	Expiration of Authorization
704.144	Requirements
704.145	Existing Class IV Wells
704.146	Class V Wells
704.147	Requiring a Permit
704.148	Inventory Requirements
704.149	Requiring other Information
704.150	Requirements for Class I and III Wells authorized by Rule
704.151	RCRA Interim Status for Class I Wells

SUBPART D: APPLICATION FOR PERMIT

Section	Content
704.161	Application for Permit; Authorization by Permit
704.162	Area Permits
704.163	Emergency Permits

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704.164 Signatories to Permit Applications

SUBPART E: PERMIT CONDITIONS

Section

704.181 Additional Conditions
704.182 Establishing UIC Permit Conditions
704.183 Construction Requirements
704.184 Corrective Action
704.185 Operation Requirements
704.186 Hazardous Waste Requirements
704.187 Monitoring and Reporting
704.188 Plugging and Abandonment
704.189 Financial Responsibility
704.190 Mechanical Integrity
704.191 Additional Conditions
704.192 Waiver of Requirements by Agency
704.193 Corrective Action
704.194 Maintenance and Submission of Records

SUBPART F: REQUIREMENTS FOR WELLS INJECTING

HAZARDOUS WASTE

Section

704.201 Applicability
704.202 Authorization
704.203 Requirements

SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I

HAZARDOUS WASTE INJECTION WELLS

Section

704.210 Applicability
704.211 Definitions
704.212 Cost Estimate for Plugging and Abandonment
704.213 Financial Assurance for Plugging and Abandonment
704.214 Trust Fund
704.215 Surety Bond Guaranteeing Payment
704.216 Surety Bond Guaranteeing Performance
704.217 Letter of Credit
704.218 Plugging and Abandonment Insurance
704.219 Financial Test and Corporate Guarantee
704.220 Multiple Financial Mechanisms
704.221 Financial Mechanism for Multiple Facilities
704.222 Release of the Owner or Operator
704.230 Incapacity
704.240 Wording of the Instruments

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SUBPART H: ISSUED PERMITS

Section

704.260 Transfer
704.261 Modification
704.262 Causes for Modification
704.263 Well Siting
704.264 Minor Modifications

SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

Section

704.279 General
704.280 Definition of a Class V Injection Well
704.281 Examples of Class V Injection Wells
704.282 Protection of Underground Sources of Drinking Water
704.283 Notification of a Class V Injection Well
704.284 Permit Requirements
704.285 Applicability of the Additional Requirements
704.286 Definitions
704.287 Location in a Groundwater Protection Area or Another Sensitive Area
704.288 Additional Requirements
704.289 Closure of a Class V Injection Well

AUTHORITY: Implementing Sections 7.2, 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-32, at 47 PCB 95, at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, at 7 Ill. Reg. 14402, effective March 3, 1984; amended in R83-39, at 55 PCB 319, at 7 Ill. Reg. 17338, effective December 19, 1983; amended in R85-23 at 10 Ill. Reg. 13290, effective July 29, 1986; amended in R87-29 at 12 Ill. Reg. 6687, effective March 28, 1988; amended in R88-2 at 12 Ill. Reg. 13700, effective August 16, 1988; amended in R88-17 at 13 Ill. Reg. 478, effective December 30, 1988; amended in R89-2 at 14 Ill. Reg. 3116, effective February 20, 1990; amended in R94-17 at 18 Ill. Reg. 17641, effective November 23, 1994; amended in R94-5 at 18 Ill. Reg. 18351, effective December 20, 1994; amended at R00-11/R01-1 at 24 Ill. Reg. 13513-1, effective 11/1/99.

SUBPART A: GENERAL PROVISIONS

Section 704.102 Scope of the Permit or Rule Requirement

Although five classes of wells are set forth in Section 704.106, the UIC (Underground Injection Control) permit program described in 35 Ill. Adm. Code 702, 704, 705, and 730 regulates underground injection for only four classes of wells (see definition of "well injection," 35 Ill. Adm. Code 702.110). Class II wells (Section 704.106(b)) are not subject to the requirements found in 35

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Ill. Adm. Code 702, 704, 705, and 730. The UIC permit program for Class II wells is regulated ~~will be~~ adopted by the Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division, pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 ILCS 240). ~~Section 1425-ef--the SDWA--(Safe--Drinking--Water--Act--42-U-S-C--300f)-~~ All owners or operators of Class I, Class III, Class IV, or Class V injection wells must be authorized either by permit or rule. In carrying out the mandate of the SDWA, this Part provides that no injection must ~~shall~~ be authorized by permit or rule if it results in movement of fluid containing any contaminant into underground sources of drinking water (USDWs) (Section 704.122) if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR 142 or may adversely affect the health of persons. (Section 704.122). Existing Class IV wells that inject hazardous waste directly into an underground source of drinking water are to be eliminated over a period of six months and new such Class IV wells are to be prohibited (Section 704.124). Class V wells will be inventoried and assessed, and regulatory action will be established at a later date. In the meantime, if remedial action appears necessary, an individual permit may be required (704-Subpart C) or the Agency must require remedial action or closure by order (Section 704.122(c)).

BOARD NOTE: Derived from 40 CFR 144.1(g) preamble [1999]†1993†.

(Source: Amended at 24 Ill. Reg. 18658, effective 11/1/2004)

Section 704.105 Specific Inclusions and Exclusions

- a) The following wells are included among those types of injection activities that are covered by the UIC regulations. (This list is not intended to be exclusive but is for clarification only.)
- 1) Any injection well located on a drilling platform inside territorial waters of the State of Illinois;
 - 2) Any dug hole or well that is deeper than its largest surface dimension, where the principal function of the hole is emplacement of fluids;
 - 3) Any well septic-tank-or-cesspool used by generators of hazardous waste, or by owners or operators of hazardous waste management facilities, to dispose of fluids containing hazardous waste. This includes the disposal of hazardous waste into what would otherwise be septic systems and cesspools, regardless of their capacity;
 - 4) Any septic tank, cesspool, or other well used by a multiple dwelling, community, or regional system for the injection of wastes.
- b) The following are not covered by this Part ~~these regulations~~:
- 1) Injection wells located on a drilling platform or other site that is beyond the territorial waters of the State of Illinois;
 - 2) Individual or single family residential waste disposal systems such as domestic cesspools or septic systems;

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- 3) Nonresidential cesspools, septic systems or similar waste disposal systems if such systems are used solely for the disposal of sanitary waste, and have the capacity to serve fewer than 20 persons a day;
- 4) Injection wells used for injection of hydrocarbons hydro-carbons that are of pipeline quality and are gases at standard temperature and pressure for the purpose of storage;
- 5) Any dug hole, drilled hole, or bored shaft that is not used for the subsurface emplacement of fluids underground;
- 6) Class II wells.
- c) The prohibition applicable to Class IV wells under Section 704.124 does not apply to injections of hazardous wastes into aquifers or portions thereof that have been exempted pursuant to 35 Ill. Adm. Code 730.104.

BOARD NOTE: Derived from 40 CFR 144.1(g)(1) through (g)(3) [1999], as amended at 64 Fed. Reg. 68565 (December 7, 1999)†1993†.

(Source: Amended at 24 Ill. Reg. 18658, effective 11/1/2004)

Section 704.106 Classification of Injection Wells

Injection wells are classified as follows:

a) Class I

- 1) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within 402 meters (one-quarter mile) of the well bore, an and underground source of drinking water.
 - 2) Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within 402 meters (one quarter mile) of the well bore, an underground source of drinking water.
 - 3) Radioactive waste disposal wells that inject fluids below the lowermost formation containing an underground source of drinking water within one quarter mile of the well bore.
- b) Class II. Wells which inject fluids:
- 1) Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
 - 2) For enhanced recovery of oil or natural gas; and
 - 3) For storage of hydrocarbons which are liquid at standard temperature and pressure.
- c) Class III. Wells which inject fluids for extraction of minerals ~~minerals~~, including:
- 1) Mining of sulfur by the Frasch process;

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- 2) In situ production of uranium or other metals; this category includes only in situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V;
- 3) Solution mining of salts or potash.

d) Class IV.

- 1) Wells used by generators of hazardous waste or of radioactive waste, by owners and operators of hazardous waste management facilities or by owners and operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into a formation which within 402 meters (one-quarter one-quarter mile) of the well contains an underground source of drinking water.

- 2) Wells used by generators of hazardous waste or of radioactive waste, by owners and operators of hazardous waste management facilities, or by owners and operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within 402 meters (one-quarter mile) of the well contains an underground source of drinking water.

- 3) Wells used by generators of hazardous waste or owners and operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classified under subsections (a)(1) or (d)(1) and (d)(2) (e.g., wells used to dispose of hazardous waste into or above a formation which contains an aquifer which has been exempted pursuant to 35 Ill. Adm. Code 730.104).

e) Class V. Injection wells not included in Classes I, II, III, or IV.
 BOARD NOTE: ~~Board Note~~--See 40 CFR 144.6 [1999] ~~(1987)~~.)

(Source: Amended at 24 Ill. Reg. 18660.23, effective 12/1/99.)

Section 704.107 Definitions

The definitions of 35 Ill. Adm. Code 702 apply to Part 704. Specific types of Class V injection wells are described in Section 704.281.

(Source: Amended at 24 Ill. Reg. 18660.23, effective 12/1/99.)

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section 704.145 Existing Class IV Wells

- a) Injection into Class IV wells as defined in Section 704.106(d)(1) is not authorized. The owner or operator of any such well must comply with Sections 704.124 and 704.203.
- b) Closure.

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- 1) Prior to abandoning any Class IV well, the owner or operator must ~~shall~~ plug or otherwise close the well in a manner acceptable to the Agency.
- 2) By September 27, 1986, the owner and operator of any Class IV well was to have submitted to the Agency a plan for plugging or otherwise closing and abandoning the well.
- 3) The owner or operator of a Class IV well must ~~shall~~ notify the Agency of intent to abandon the well at least 30 days prior to abandonment.

c) Notwithstanding the requirements of subsections (a) and (b) of this Section, injection wells used to inject contaminated ground water that has been treated and which is being injected into the same formation from which it was drawn are authorized by rule for the life of the well if such subsurface emplacement of fluids is approved by USEPA, pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601-9675, or pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992k, or the Agency, pursuant to Section 39 of the Act.

BOARD NOTE: Derived from 40 CFR 144.23 [1999], as amended at 64 Fed. Reg. 58566 (December 7, 1999) ~~(1993)~~.

(Source: Amended at 24 Ill. Reg. 18660.23, effective 12/1/99.)

Section 704.146 Class V Wells

a) Injection into Class V wells is authorized by rule, subject to the conditions set forth in Section 704.284--~~until requirements under future regulations become applicable~~.

b) Duration of well authorization by rule. Well authorization under this Section expires upon the effective date of a permit issued pursuant to any of Sections 704.147, 704.161, 704.162, or 704.163.

c) Prohibition of injection. An owner or operator of a well that is authorized by rule pursuant to this Section is prohibited from injecting into the well:

- 1) Upon the effective date of an applicable permit denial;
- 2) Upon a failure to submit a permit application in a timely manner pursuant to Section 704.147 or 704.161;
- 3) Upon a failure to submit inventory information in a timely manner pursuant to Section 704.148; or
- 4) Upon a failure to comply with a request for information in a timely manner pursuant to Section 704.149.

BOARD NOTE: Derived from 40 CFR 144.24 [1999] ~~(1993)~~, as amended at 6450 Fed. Reg. 58566 ~~58996~~ (Dec. 7, 1999 ~~37-1993~~).

(Source: Amended at 24 Ill. Reg. 18660.23, effective 12/1/99.)

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Section 704.148 Inventory Requirements

The owner or operator of an injection well that is authorized by rule under this Subpart must shall submit inventory information to the Agency. Such an owner or operator is prohibited from injecting into the well upon failure to submit inventory information for the well to the Agency within the time specified in subsection (d) or (e) of this Section below.

- a) Contents. As part of the inventory, the owner or operator must shall submit at least the following information:
- 1) Facility name and location;
 - 2) Name and address of legal contact;
 - 3) Ownership of facility;
 - 4) Nature and type of injection wells; and
 - 5) Operating status of injection wells.

BOARD NOTE: This information is requested on national form "Inventory of Injection Wells," OMB No. 158-R0170.

- b) Additional contents. The owner or operator of a well listed in subsection (b)(1) of this Section must below--shall provide the information listed in subsection (b)(2) of this Section below.

- 1) This Section applies to the following wells:
 - A) Corresponding 40 CFR 144.26(b)(1)(i) pertains to Class II wells, which are regulated by the Department of Natural Resources pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 ILCS 240). This statement maintains structural consistency with the corresponding federal provisions;

BA) Class IV wells;

CB) The following Class V wells:

- i) Sand or other backfill wells, 35 Ill. Adm. Code 730.105(e)(8);
- ii) Radioactive waste disposal wells that are not Class I wells, 35 Ill. Adm. Code 730.105(e)(11);
- iii) Geothermal energy recovery wells that are not Class I wells, 35 Ill. Adm. Code 730.105(e)(12);
- iv) Brine return flow wells, 35 Ill. Adm. Code 730.105(e)(14);
- v) Wells used in experimental technologies, 35 Ill. Adm. Code 730.105(e)(15);
- vi) Municipal and industrial disposal wells other than Class I; and
- vii) Any other Class V wells at the discretion of the Agency.

- 2) The owner or operator of a well listed in subsection (b)(1) of this Section must above--shall provide a listing of all wells owned or operated setting forth the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable.)

- A) Corresponding 40 CFR 144.26.(b)(2)(i) pertains to Class II wells, which are regulated by the Department of Natural

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Resources pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 ILCS 240). This statement maintains structural consistency with corresponding federal provisions:

BA) Location of each well or project given by Township, Range, Section, and Quarter-Section;

CB) Date of completion of each well;

DE) Identification and depth of the formation(s) into which each well is injecting;

EB) Total depth of each well;

FB) Casing and cementing record, tubing size, and depth of packer;

GP) Nature of the injected fluids;

HG) Average and maximum injection pressure at the wellhead;

IH) Average and maximum injection rate; and

JF) Date of the last mechanical integrity tests, if any.

- c) This subsection corresponds with 40 CFR 144.26(c), a provision relating to USEPA U-S--BPA notification to facilities upon authorization of the state's program. This statement maintains structural consistency with USEPA U-S--BPA rules.

- d) Deadlines. Except as provided in subsection (e) of this Section, the owner or operator of an injection well must submit inventory information no later than March 3, 1995. The agency need not require inventory information from any facility with RCRA interim status under 35 Ill. Adm. Code 703 below:

- i) The owner or operator of an injection well must--shall--submit inventory information--no--later--than--March--3--1995--The Agency need--not--require--inventory--information--from--any--facility--with RCRA--interim--status--under--35--Ill--Adm--Code--703--

- 2) The--information--need--not--be--submitted--if--a--complete--application is--submitted--within--one--year--of--the--effective--date--of--the--USEPA U-S--BPA--U-S--program--The owner or operator of a Class IV well must--shall--submit--inventory--information--no--later--than--60--days after--the--effective--date--of--the--USEPA--U-S--BPA--U-S--program--

- e) Deadlines for Class V Wells.

- 1) The owner or operator of a Class V well in which injection took place within one year after the date of approval by USEPA U-S--BPA of the Illinois UIC program, and who failed to submit inventory information for the well within the time specified in subsection (d) of this Section above may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume or that it may resume sooner.

- 2) The owner or operator of a Class V well in which injection started later than March 3, 1985, must shall submit inventory information prior to May 2, 1995.

- 3) The owner or operator of a Class V well in which injection started after May 2, 1994 must shall submit inventory information prior to starting injection.

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- 4) The owner or operator of a Class V injection well prohibited from injecting for failure to submit inventory information for the well within the time specified in subsection (e)(2) or (e)(3) of this Section above may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume or that it may resume sooner.

BOARD NOTE: Wells that were in existence as of March 3, 1984, were required to submit inventory information by March 3, 1985. Since all wells other than Class V wells are now not either prohibited or required to file permit applications, the inventory requirement will apply only to new Class V wells.

BOARD NOTE: Derived from 40 CFR 144.26 (1999) (1993), as amended at 6450 Fed. Reg. 68566 63096 (Dec. 7, 1999 37-1993).

(Source: Amended at 24 Ill. Reg. 13-1-1, effective 1-1-1)

SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

Section 704.279 General

This Subpart sets forth the requirements applicable to the owner or operator of a Class V injection well. Additional requirements listed elsewhere in this Part may also apply. Where they may apply, those other requirements are referenced rather than repeated in this Subpart. The requirements described in this Subpart and elsewhere in this Part are intended to protect underground sources of drinking water and are part of the underground injection control (UIC) program established under Section 13(c) of the Act.

BOARD NOTE: Derived from 40 CFR 144.279, as added at 64 Fed. Reg. 68566 (December 7, 1999). USEPA wrote the federal counterpart to this Subpart, 40 CFR 144, Subpart G, in a question-and-answer format to make it easier to understand the regulatory requirements. The Board has abandoned that format in favor of a more traditional approach of using clear statements of the requirements and their applicability.

(Source: Added at 24 Ill. Reg. 13-1-1, effective 1-1-1)

Section 704.280 Definition of a Class V Injection Well

Section 704.106 defines the five classes of injection wells, including a Class V injection well, as regulated under this Subpart. Typically, Class V wells are shallow wells used to place a variety of fluids directly below the land surface. However, if the fluids placed in the ground qualify as a hazardous waste under the Resource Conservation and Recovery Act (RCRA), the well is either a Class I or Class IV well, not a Class V well. Examples of Class V wells are described in Section 704.281.

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BOARD NOTE: Derived from 40 CFR 144.280, as added at 64 Fed. Reg. 68566 (December 7, 1999).

(Source: Added at 24 Ill. Reg. 13-1-1, effective 1-1-1)

Section 704.281 Examples of Class V Injection Wells

The following are examples of Class V injection wells to which this Subpart applies:

- a) Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump;
- b) Large capacity cesspools, including multiple-dwelling, community or regional cesspools, or other devices that receive sanitary wastes containing human excreta, that have an open bottom and sometimes perforated sides. The UIC requirements do not apply to single family residential cesspools, nor do they apply to non-residential cesspools that receive solely sanitary waste and which have the capacity to serve fewer than 20 persons a day;
- c) Cooling water return flow wells that are used to inject water previously used for cooling;
- d) Drainage wells that are used to drain surface fluids, primarily storm runoff, into a subsurface formation;
- e) Dry wells that are used for the injection of wastes into a subsurface formation;
- f) Recharge wells that are used to replenish the water in an aquifer;
- g) Salt water intrusion barrier wells that are used to inject water into a fresh aquifer to prevent the intrusion of salt water into the fresh water;
- h) Sand backfill and other backfill wells that are used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;
- i) Septic system wells that are used to inject the waste or effluent from a multiple dwelling, business establishment, community or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, nor to non-residential septic system wells that are used solely for the disposal of sanitary waste and which have the capacity to serve fewer than 20 persons a day;
- j) Subsidence control wells (not used for the purpose of oil or natural gas production) that are used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;
- k) Injection wells associated with the recovery of geothermal energy for heating, aquaculture, and production of electric power;
- l) Wells that are used for solution mining of conventional mines such as slopes leaching;

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- m) Wells that are used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;
- n) Injection wells that are used in experimental technologies;
- o) Injection wells that are used for in situ recovery of lignite, coal, tar sands, and oil shale; and
- p) Motor vehicle waste disposal wells that receive or which have received fluids from vehicular repair or maintenance activities, such as an auto body repair shop, an automotive repair shop, a new or used car dealership, a specialty repair shop (e.g., transmission and muffler repair shop), or any facility that does any vehicular repair work.
- Fluids disposed in these wells may contain organic and inorganic chemicals in concentrations that exceed the maximum contaminant levels (MCLs) established by the primary drinking water regulations (35 Ill. Adm. Code 611). These fluids also may include waste petroleum products and may contain contaminants, such as heavy metals and volatile organic compounds, that pose risks to human health.
- BOARD NOTE: Derived from 40 CFR 144.281, as added at 64 Fed. Reg. 68566 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.282 Protection of Underground Sources of Drinking Water

This Subpart I requires that an owner or operator of a Class V injection well must not allow movement of fluid into USDWs that might cause endangerment, that the owner or operator must comply with the UIC requirements in this Part and 35 Ill. Adm. Code 702 and 730, that the owner or operator must comply with any other measures required by the State or USEPA to protect USDWs, and that the owner or operator must properly close its well when the owner or operator is through using it. The owner or operator also must submit basic information about its well, as described in Section 704.283.

- a) Prohibition of fluid movement.
- 1) As described in Section 704.112(a), an owner's or operator's injection activity cannot allow the movement of fluid containing any contaminant into USDWs, if the presence of that contaminant may cause a violation of the primary drinking water standards under 35 Ill. Adm. Code 611, other health based standards, or may otherwise adversely affect the health of persons. This prohibition applies to the owner's or operator's well construction, operation, maintenance, conversion, plugging, closure, or any other injection activity.
 - 2) If the Agency or USEPA learns that an owner's or operator's injection activity may endanger USDWs, the Agency or USEPA may require the owner or operator to close its well, require the owner or operator to get a permit, or require other actions listed in Section 704.112(c), (d), or (e).
- b) Closure requirements. An owner or operator must close the well in a

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- manner that complies with the above prohibition of fluid movement. Also, the owner or operator must dispose or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to your well in accordance with all applicable federal, State, and local regulations and requirements.
- c) Other requirements in this Part and 35 Ill. Adm. Code 702 and 730. Beyond this subpart, the owner and operator are subject to other UIC Program requirements in this Part and 35 Ill. Adm. Code 702 and 730. While most of the relevant requirements are repeated or referenced in this Subpart for convenience, the owner or operator needs to read all of this Part and 35 Ill. Adm. Code 702 and 730 to understand the entire UIC Program.
- d) Other State or USEPA requirements. This Part and 35 Ill. Adm. Code 702 and 730 define minimum federally-derived UIC requirements. The Agency and USEPA Region V have the flexibility to establish additional or more stringent requirements based on the authorities in this Part and 35 Ill. Adm. Code 702 and 730 and 40 CFR 144 through 147, if such additional requirements are determined to be necessary to protect USDWs. The owner and operator must comply with any such additional requirements. The owner or operator should contact the Agency or USEPA Region V to learn more.

BOARD NOTE: Derived from 40 CFR 144.282, as added at 64 Fed. Reg. 68567 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.283 Notification of a Class V Injection Well

The owner or operator of a Class V injection well needs to provide basic "inventory information" about its well to the Agency, if the owner or operator has not done so already. The owner or operator also needs to provide any additional information that the Agency requests in accordance with the provisions of the UIC regulations.

- a) Inventory requirements. Unless the owner or operator knows it has already satisfied the inventory requirements in Section 704.128 that were in effect prior to the issuance of this Subpart G, the owner or operator must give the Agency certain information about itself and its injection operation.

BOARD NOTE: This information is requested on national form "Inventory of Injection Wells," OMB No. 2040-0042.

- 1) The owner or operator of a new or existing Class V injection well must contact the Agency to determine what information it must submit and by when it must submit that information.
- 2) The following is the information that the owner or operator must submit:
 - A) No matter what type of Class V well is owned or operated, the owner or operator must submit at least the following

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information for each Class V well: facility name and location; name and address of a legal contact person for the facility; the ownership of the facility; the nature and type of the injection well or wells; and the operating status of injection well or wells.

B) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.83(a)(2)(ii) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

C) The owner or operator must provide a list of all wells it owns or operates, along with the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable).

- i) The location of each well or project given by Township, Range, Section, and Quarter-Section, or by latitude and longitude to the nearest second, according to the conventional practice in this State;
- ii) The date of completion of each well;
- iii) The identification and depth of the underground formation(s) into which each well is injecting;
- iv) The total depth of each well;
- v) A construction narrative and schematic (both plan view and cross-sectional drawings);
- vi) The nature of the injected fluids;
- vii) The average and maximum injection pressure at the wellhead;
- viii) The average and maximum injection rate; and
- ix) The date of the last inspection.

3) The owner and operator is responsible for knowing about, understanding, and complying with these inventory requirements.

b) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.83(b) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

BOARD NOTE: Derived from 40 CFR 144.283, as added at 64 Fed. Reg. 68567 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.284 Permit Requirements

No permit is required for a Class V injection well, unless the owner or operator falls within an exception described in subsection (b) of this Section.

a) General authorization by rule. With certain exceptions listed in subsection (b) of this Section, an owner's or operator's Class V

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injection activity is "authorized by rule," meaning that the owner and operator has to comply with all the requirements of this Subpart and the rest of this Part and 35 Ill. Adm. Code 702 and 730, but the owner or operator does not need to get an individual permit. Well authorization expires once the owner or operator has properly closed its well, as described in Section 704.282(b).

b) Circumstances in which permits or other actions are required. If an owner or operator fits into one of the categories listed below, its Class V well is no longer authorized by rule. This means that the owner or operator has to either get a permit or close its injection well. The owner or operator can find out whether its well falls into one of these categories by contacting the Agency or US EPA Region V if this is the case. Subparts D and H of this Part tells an owner or operator how to apply for a permit, and it describes other aspects of the permitting process. Subpart C of 35 Ill. Adm. Code 702 and Subpart E of this Part outline some of the requirements that apply to the owner or operator if it gets a permit. An owner or operator must either obtain a permit or close its injection well if any of the following is true:

- 1) The owner or operator fails to comply with the prohibition against fluid movement standard in Section 704.122(a) and described in Section 704.282(a) (in which case, the owner or operator must get a permit, close its well, or comply with other conditions determined by the Agency or USEPA Region V);
- 2) The Class V injection well is a large-capacity cesspool (in which case, the owner or operator must close its well as specified in the additional requirements set forth in Section 704.288) or the Class V injection well is a motor vehicle waste disposal well in a ground water protection area or a sensitive ground water area (in which case, the owner or operator must either close its well or get a permit as specified in the additional requirements set forth in Section 704.288). New motor vehicle waste disposal wells and new cesspools are prohibited.

BOARD NOTE: A new motor vehicle waste disposal well or a new cesspool is one for which construction had not commenced prior to April 5, 2000. See 40 CFR 144.84(a)(2), as added at 40 CFR 68568 (December 7, 1999).

3) The owner or operator is specifically required by the Agency or US EPA Region V to get a permit (in which case, the authorization by rule expires on the effective date of the permit issued, or the owner or operator is prohibited from injecting into its well upon the occurrence of either or the following:

- A) The failure of the owner and operator to submit a permit application in a timely manner, as specified in a notice from the Agency; or
- B) The effective date of a permit denial;
- 4) The owner or operator has failed to submit inventory information to the Agency, as described in Section 704.283(a) (in which case,

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Section 704.286 Definitions

"State drinking water source assessment and protection program" is a new approach to protecting drinking water sources, specified in section 1453 of the 1996 Amendments to the Safe Drinking Water Act (42 U.S.C. 3001-13).

BOARD NOTE: Under the federal requirements, states must prepare and submit for USEPA approval a program that sets out how each state will conduct local assessments, including the following: delineating the boundaries of areas providing source waters for public water systems; identifying significant potential sources of contaminants in such areas; and determining the susceptibility of public water systems in the delineated areas to the inventoried sources of contamination. The Illinois Groundwater Protection Act [415 ILCS 55] and the regulations at 35 Ill. Adm. Code 620 adopted pursuant to that law and Sections 14.1 through 14.6 and 17.1 through 17.4 of the Environmental Protection Act [415 ILCS 14.1-14.6 and 17.1-17.4] and the regulations at 35 Ill. Adm. Code 615 through 617 adopted under those provisions are major segments of the required Illinois program.

"Complete local source water assessment for groundwater protection areas." When USEPA has approved a state's drinking water source assessment and protection program, the state will begin to conduct local assessments for each public water system in that state. For the purposes of this Subpart, local assessments for community water systems and non-transient non-community systems are complete when the four following requirements are met: First, a State must delineate the boundaries of the assessment area for community and non-transient non-community water systems, as such are defined in 35 Ill. Adm. Code 611.101. Second, the State must identify significant potential sources of contamination in these delineated areas. Third, the State must determine the susceptibility of community and non-transient non-community water systems in the delineated area to such contaminants. Lastly, each State will develop its own plan for making the completed assessments available to the public.

"Groundwater protection area" is a geographic area near or surrounding a community or non-transient non-community water system, as defined in 35 Ill. Adm. Code 611.101, that uses groundwater as a source of drinking water. For the purposes of this Subpart I, the Board considers a "setback zone," as defined in Section 3.61 of the Act [415 ILCS 5/3.61] and regulated pursuant to Sections 14.1 through 14.6 of the Act [415 ILCS 5/14.1-14.6], to be a groundwater protection area, as intended by corresponding 40 CFR 144.86(c). (See 35 Ill. Adm. Code 615 and 616.) These areas receive priority for the protection of drinking water supplies and federal law requires the State to delineate and assess these areas under section 1453 of the federal Safe Drinking Water Act, 42 U.S.C. 3001-13. The additional

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the owner and operator is prohibited from injecting into the well until it complies with the inventory requirements); or Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.84(b)(5) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

BOARD NOTE: Derived from 40 CFR 144.284, as added at 64 Fed. Reg. 68568 (December 7, 1999).

(Source: Added at 24 Ill. Reg. , effective

Section 704.285 Applicability of the Additional Requirements

a) Large-capacity cesspools. The additional requirements set forth in Section 704.288 apply to all new and existing large-capacity cesspools. If the owner or operator is using a septic system for these type of wastes, the owner or operator is not subject to the additional requirements in Section 704.288.

b) Motor vehicle waste disposal wells existing on April 5, 2000. If the owner or operator has a Class V motor vehicle waste disposal well, the additional requirements in Section 704.288 apply to that owner or operator if the well is located in a ground water protection area or other sensitive ground water area that is identified by the Agency, the Board, or USEPA Region V.

BOARD NOTE: An existing motor vehicle waste disposal well is one for which construction had commenced prior to April 5, 2000. See 40 CFR 144.83(a)(1)(i) and (a)(1)(ii), as added at 40 CFR 68568 (December 7, 1999). Corresponding 40 CFR 144.85(b) provides that the additional requirements apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas. The Board has not included this state-wide applicability provision by virtue of 14.1 through 14.6 and Sections 17.1 through 17.4 of the Act [415 ILCS 5/14.1-14.6 and 17.1-17.4], the Illinois Groundwater Protection Act [415 ILCS 55/8] and 35 Ill. Adm. Code 615 through 620.

c) New Motor Vehicle Waste Disposal Wells. The additional requirements in Section 704.288 apply to all new motor vehicle waste disposal wells.

BOARD NOTE: A new motor vehicle waste disposal well is one for which construction had not commenced prior to April 5, 2000. See 40 CFR 144.85(c), as added at 40 CFR 68568 (December 7, 1999).

BOARD NOTE: Derived from 40 CFR 144.285, as added at 64 Fed. Reg. 68569 (December 7, 1999).

(Source: Added at 24 Ill. Reg. , effective

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requirements in Section 704.288 apply to an owner or operator if its Class V motor vehicle waste disposal well is in a groundwater protection area for either a community water system or a non-transient non-community water system.

BOARD NOTE: USEPA stated in corresponding 40 CFR 144.86(c) that in many States these areas will be the same as wellhead protection areas delineated as described in section 1428 of the federal SDWA, 42 U.S.C. 300h-7.

"Community water system," as defined in 35 Ill. Adm. Code 611.101, is a public water system that serves at least 15 service connections used by year-round residents or which regularly serves at least 25 year-round residents.

"Non-transient non-community water system," as defined in 35 Ill. Adm. Code 611.101, is a water system that is not a community water system and which regularly serves at least 25 of the same people over six months a year. These may include systems that provide water to schools, day care centers, government or military installations, manufacturers, hospitals or nursing homes, office buildings, and other facilities.

"Delineation." Once the State's drinking water source assessment and protection program is approved by USEPA, the State will begin delineating its local assessment areas. "Delineation" is the first step in the assessment process in which the boundaries of groundwater protection areas are identified.

"Other sensitive groundwater areas." The State may also identify other areas in the State in addition to groundwater protection areas that are critical to protecting underground sources of drinking water from contamination. For the purposes of this Subpart I, the Board considers a "regulated recharge area," as defined in Section 3.67 of the Act [415 ILCS 5/3.67] and regulated pursuant to Sections 17.1 through 17.4 of the Act [415 ILCS 5/17.1-17.4], to be an "other sensitive groundwater area," as intended by corresponding 40 CFR 144.86(g). (See 35 Ill. Adm. Code 615 through 617.) These other sensitive groundwater areas may include areas such as areas overlying sole-source aquifers, highly productive aquifers supplying private wells; continuous and highly productive aquifers at points distant from public water supply wells; areas where water supply aquifers are recharged; karst aquifers that discharge to surface reservoirs serving as public water supplies; vulnerable or sensitive hydrogeologic settings, such as glacial outwash deposits, eolian sands, and fractured volcanic rock; and areas of special concern selected based on a combination of factors, such as hydrogeologic sensitivity, depth to groundwater, significance as a drinking water source, and prevailing land-use practices.

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BOARD NOTE: Derived from 40 CFR 144.286, as added at 64 Fed. Reg. 68569 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.287 Location in a Groundwater Protection Area or Another Sensitive Area

a) A person is subject to the requirements of Section 704.288 if the person owns or operates an existing motor vehicle well and that person is located in a ground water protection area or another sensitive ground water area.

BOARD NOTE: Corresponding 40 CFR 144.87(a) provides that the "new requirements" apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas. The Board has interpreted "new requirements" as synonymous with "additional requirements" elsewhere in this Subpart G. Further, the Board has not included this statewide applicability provision because Sections 14.1 through 14.6 and 17.1 through 17.4 of the Act [415 ILCS 5/14.1-14.6 and 17.1-17.4] and 35 Ill. Adm. Code 615 through 617 designate protected groundwater resources and allow the designation of other sensitive areas for protection. Further, the Illinois Groundwater Protection Act [415 ILCS 55] and the regulations adopted as 35 Ill. Adm. Code 620 under that statute, protect the quality of all groundwater resources in Illinois.

b) Ground water protection areas. Many segments of corresponding 40 CFR 144.87(b) set forth requirements applicable to the State only. Other requirements apply to the regulated community contingent on the regulatory status of the Illinois groundwater protection program. The Board codifies the requirements applicable to the State in this subsection (b) for the purpose of informing the regulated public and clarifying the requirements on the regulated community.

1) For the purpose of this Subpart, USEPA requires States to complete all local source water assessments for ground water protection areas by January 1, 2004. Once a local assessment for a ground water protection area is complete every existing motor vehicle waste disposal well owner in that ground water protection area has one year to close the well or receive a permit. If the State fails to complete all local assessments for ground water protection areas by January 1, 2004, the following may occur:

A) The new requirements in this Subpart I will apply to all existing motor vehicle waste disposal wells in the State and the owner and operator of a motor vehicle waste disposal well located outside of the areas of the completed area assessments for ground water protection areas must close their well or receive a permit by January 1, 2005.

B) USEPA may grant a State an extension for up to one year from

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the January 1, 2004 deadline if the State is making reasonable progress toward completing the source water assessments for ground water protection areas. States must apply for the extension by June 1, 2003. If a State fails to complete the assessments for the remaining ground water protection areas by the extended date, the rule requirements will apply to all motor vehicle waste disposal wells in the State, and owners and operators of motor vehicle waste disposal wells located outside of ground water protection areas with completed assessments must close their well or receive a permit by January 1, 2006.

- 2) The Agency must extend the compliance deadline for specific motor vehicle waste disposal wells for up to one year if it determines that the most efficient compliance option for the well is connection to a sanitary sewer or installation of new treatment technology.

BOARD NOTE: Any Agency determination of the most efficient compliance option is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

- c) Other sensitive ground water areas. Existing motor vehicle waste disposal well owners and operators within other sensitive ground water areas have until January 1, 2007 to receive a permit or close the well. If USEPA has granted the State an extension of the time to delineate sensitive groundwater areas, the owner or operator of an existing motor vehicle waste disposal well within a sensitive ground water area has until January 1, 2008 to close the well or receive a permit, unless the owner or operator is subject to a different compliance date pursuant to subsection (b) of this Section. If the State has been granted an extension and fails to delineate sensitive areas by the extended date, an owner or operator has until January 1, 2008 to close the well or receive a permit, unless it is subject to a different compliance date pursuant to subsection (b) of this section.
- BOARD NOTE:** Corresponding 40 CFR 144.87(c) provides that the State has until January 1, 2004 to identify sensitive groundwater areas. It also provides that USEPA may extend that deadline for up to an additional year if the State is making reasonable progress towards identifying such areas and the State has applied for the extension by June 1, 2003. The Board has not included these provisions relating to deadlines for State action because they impose requirements on the State, rather than on regulated entities. Further, the corresponding federal rule provides that the "new requirements" apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas and that "the rule requirements" apply in the event of an extension granted by USEPA and the State fails to delineate sensitive areas. The Board has interpreted "new requirements" and "rule requirements" as synonymous with "additional requirements" as used elsewhere in this Subpart I. Finally, the Board has not included this statewide applicability provision because Sections 17.1 through 17.4

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of the Act [415 ILCS 5/17.1-17.4], the Illinois Groundwater Protection Act [415 ILCS 55/8], and 35 Ill. Adm. Code 615 through 620 protect groundwater resources and allow the designation of sensitive areas.

- d) Finding out if a well is in a groundwater protection area or sensitive groundwater area. The Agency must make that listing available for public inspection and copying upon request. Any interested person may contact the Agency Bureau of Water, Division of Public Water Supplies at 1021 North Grand Ave. East, P.O. Box 19276, Springfield, Illinois 62794-9276 (217-785-8653) to obtain information on the listing or to determine if any Class V injection well is situated in a groundwater protection area or another sensitive groundwater area.

- e) Changes in the status of the State drinking water source assessment and protection program. If the State assesses a ground water protection area for ground water supplying a new community water system or a new non-transient non-community water system after January 1, 2004, or if the State re-delineates the boundaries of a previously delineated ground water protection area to include an additional area, the additional regulations of Section 704.288 would apply to any motor vehicle waste disposal well is in such an area. The additional regulations apply to the affected Class V injection well one year after the State completes the local assessment for the ground water protection area for the new drinking water system or the new re-delineated area. The Agency must extend this deadline for up to one year if it determines that the most efficient compliance option for the well is connection to a sanitary sewer or installation of new treatment technology.

BOARD NOTE: Any Agency determination of the most efficient compliance option is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

- f) If the State elects not to delineate the additional sensitive ground water areas, the additional regulations of Section 704.288 apply to all Class V injection wells in the State, regardless of the location, on January 1, 2007, or January 2008 if an extension has been granted as provided in subsection (c) of this Section, except for wells in ground water protection areas that are subject to different compliance deadlines explained in subsection (b) of this Section.

- g) Application of requirements outside of groundwater protection areas and sensitive ground water areas. The Agency must apply the additional requirements in Section 704.288 to an owner or operator, even if the owner's or operator's well is not located in the areas listed in subsection (a) of this Section, if the Agency determines that the application of those additional requirements is necessary to protect human health and the environment.

BOARD NOTE: Any Agency determination to apply the additional requirements of Section 704.288 is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40]. The Board has omitted certain segments of corresponding 40 CFR 144.87 that encouraged State actions, since those segments did not impose requirements on the regulated

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community.

BOARD NOTE: Derived from 40 CFR 144.287, as added at 64 Fed. Reg. 68569 (December 7, 1999).

(Source: Added at 24 Ill. Reg. 1801.020, effective _____)

Section 704.288 Additional Requirements

The additional requirements are as follows:

a) Additional Requirements for Large-Capacity Cesspools Statewide. See Section 704.285 to determine the applicability of these additional requirements.

1) If the cesspool is existing (operational or under construction by April 5, 2000):

A) The owner or operator must close the well by April 5, 2005.
B) The owner or operator must notify the Agency of its intent to close the well at least 30 days prior to closure.

BOARD NOTE: This information is requested on the federal form entitled "Preclosure Notification for Closure of Injection Wells," available from the Agency on request.

2) If the cesspool is new or converted (construction not started before April 5, 2000) it is prohibited.

BOARD NOTE: Corresponding 40 CFR 144.88(b)(2) sets forth a federal effective date of April 5, 2000 for the prohibition.

b) Additional Requirements for Motor Vehicle Waste Disposal Wells. See Section 704.285 to determine the applicability of these additional requirements.

1) If the motor vehicle waste disposal well is existing (operational or under construction by April 5, 2000) and any of the following is also true:

A) The well is in a ground water protection area, the owner or operator must close the well or obtain a permit within one year of the completion of the local source water assessment; the Agency must extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology; or

B) The well is in an other sensitive groundwater area, the owner or operator must close the well or obtain a permit by January 1, 2007; the Agency may extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology; or

C) The owner or operator plans to seek a waiver from the ban and apply for a permit, by the date the owner or operator

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submits its permit application, the owner or operator must meet the maximum contaminant levels (MCLs) for drinking water, set forth in 35 Ill. Adm. Code 611, at the point of injection while the permit application is under review, if the owner or operator chooses to keep operating the well; or The owner or operator receives a permit, the owner or operator must comply with all permit conditions by the dates specified in its permit, if the owner or operator chooses to keep operating the well, including requirements to meet MCLs and other health based standards at the point of injection, follow best management practices, and monitor the injectate and sludge quality; or

E) The State has not completed all their local assessments by January 1, 2004 (or by the extended date if the State has obtained an extension, as described in Section 704.287), and the well is outside an area with a completed assessment, the owner or operator must close the well or obtain a permit by January 1, 2005, unless the State obtains an extension, as described in Section 704.287(b), in which case the deadline is January 1, 2006; the Agency must extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology; or

F) The State has not delineated other sensitive ground water areas by January 1, 2004, and the well is outside of an area with a completed assessment, the owner or operator must close the well or obtain a permit regardless of its location by January 1, 2007, unless the State obtains an extension as described in Section 704.287(c) in which case the deadline is January 2008; or

G) The owner or operator plans to close its well, the owner or operator must notify the Agency of its intent to close the well (this includes closing the well prior to conversion) by at least 30 days prior to closure.

BOARD NOTE: This information is requested on the federal form entitled "Preclosure Notification for Closure of Injection Wells," available from the Agency on request.

BOARD NOTE: Any Agency determination of the most efficient compliance option under subsection (b)(1)(A), (b)(1)(B), or (b)(1)(E) is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

2) If the motor vehicle waste disposal well is new or converted (construction not started before April 5, 2000) it is prohibited. BOARD NOTE: Corresponding 40 CFR 144.88(b)(2) sets forth a federal effective date of April 5, 2000 for the prohibition.

BOARD NOTE: Derived from 40 CFR 144.288, as added at 64 Fed. Reg. 68570 (December 7, 1999).

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.289 Closure of a Class V Injection Well

The following describes the requirements for closing a Class V injection well:

- a) Closure.
 - 1) Prior to closing a Class V large-capacity cesspool or motor vehicle waste disposal well, the owner or operator must plug or otherwise close the well in a manner that complies with the prohibition of fluid movement standard set forth in Section 704.112 and summarized in Section 704.282(a). The owner or operator must also dispose or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well in accordance with all applicable federal, State, and local regulations and requirements, as described in Section 704.282(b).
 - 2) Closure does not mean that the owner or operator needs to cease operations at its facility, only that the owner or operator needs to close its well. A number of alternatives are available for disposing of waste fluids. Examples of alternatives that may be available to motor vehicle stations include the following: recycling and reusing wastewater as much as possible; collecting and recycling petroleum-based fluids, coolants, and battery acids drained from vehicles; washing parts in a self-contained, recirculating solvent sink, with spent solvents being recovered and replaced by the supplier; using absorbents to clean up minor leaks and spills, and placing the used materials in approved waste containers and disposing of them properly; using a wet vacuum or mop to pick up accumulated rain or snow melt, and if allowed, connecting floor drains to a municipal sewer system or holding tank, and if allowed, disposing of the holding tank contents through a publicly owned treatment works (POTW). The owner or operator should check with the POTW that it might use to see if the POTW would accept the owner's or operator's wastes. Alternatives that may be available to owners and operators of a large-capacity cesspool include the following: conversion to a septic system; connection to sewer; and installation of an on-site treatment unit.
- b) Conversions. In limited cases, the Agency may authorize the conversion (reclassification) of a motor vehicle waste disposal well to another type of Class V well. Motor vehicle wells may only be converted if the following two conditions are fulfilled:
 - 1) all motor vehicle fluids are segregated by physical barriers and are not allowed to enter the well; and
 - 2) injection of motor vehicle waste is unlikely based on a facility's compliance history and records showing proper waste disposal.

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The use of a semi-permanent plug as the means to segregate waste is not sufficient to convert a motor vehicle waste disposal well to another type of Class V well.

BOARD NOTE: Derived from 40 CFR 144.289, as added at 64 Fed. Reg. 68572 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Underground Injection Control Operating Requirements
- 2) Code citation: 35 Ill. Adm. Code 730
- 3) Section Numbers:
730.103 Proposed Action:
Amend
730.105 Amend
730.110 Amend
730.167 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, and 27.
- 5) Effective date of Amendments: December 7, 2000
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do these amendments contain incorporations by reference? No. Although the segments of the text of Part 730 under amendment in this proceeding include incorporations by reference, none of those are affected by the amendments.
- 8) The adopted amendments, a copy of the Board's opinion and order adopted December 7,2000, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.
- 9) Notice of proposal published in Illinois Register: 24 Ill. Reg. 14578, October 6, 2000
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).
- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments adopted by the Board in an opinion and order dated December 7, 2000, in docket R00-11/R01-1 (consolidated), and the amendments adopted are summarized in the following table. Many of the differences are explained in greater detail in the Board's opinion and order of December 7, 2000, in docket R00-11/R01-1 (consolidated), adopting the amendments.

Section Revised	Source(s) of Revision(s)	Revision(s)
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730 table of contents	JCAR	Removed "Class I and Class III" from the heading of Section 730.110; corrected "correction" to "corrective" in the heading of Section 730.164 to agree with the text; deleted "by the director from the heading of Section 730.170 to agree with the text
730 authority note	Board	Added a reference to Section 7.2 of the Act
730.103 "abandoned well"	Board	Changed "which" to "that"
730.103 "Act"	JCAR	Deleted the comma after "1976"; changed "U.S.C." to "USC"
730.103 "application"	JCAR	Changed "703.182 et seq." to "703.182-703.188 and 703.200"
730.103 "aquifer"	Board	Changed "geological" to "geologic" to make usage consistent with that in 35 Ill. Adm. Code 702.110
730.103 "casing"	JCAR	Changed "water gas or other fluid" to "water, gas, or other fluid"
730.103 "confining zone"	Board	Changed "geological" to "geologic" to make usage consistent with that in 35 Ill. Adm. Code 702.110 and throughout this Section
730.103 "EPA"	JCAR, Board	Added the alternative defined term "or "USEPA"
730.103 "exempted aquifer"	Board	Added a comma after "704.104" to segregate the final element of a series

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730.103 "experimental technology"	Board	Changed "which" to "that"
730.103 "facility or activity"	Board	Removed the quotation marks from "HWM facility" and "injection well," terms other than the defined term; added a comma after "well" to offset the final element of a series
730.103 "flow rate"	JCAR	Changed "which" to "that"
730.103 "fluid"	JCAR	Changed "which" to "that"; added a comma after "moves" to offset a parenthetical
730.103 "formation"	Board	Changed "which" to "that"
730.103 "formation fluid"	Board	Removed the quotation marks from "fluid" and "formation," terms other than the defined term
730.103 "hazardous waste management facility"	JCAR, Board	Changed to lower-case "waste management"; removed the parentheses from the alternative defined term "USDW" and added "or"
730.103 "HWM facility"	Board	Removed the quotation marks from "hazardous waste management facility," a term other than the defined term; changed to lower-case "waste management"
730.103 "injection"	Board	Removed the quotation marks from "well" and "fluids," terms other than the defined term
730.103 "injection zone"	JCAR, Board	Changed "geological" to "geologic" to make usage consistent with that in 35

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730.103 "owner or operator"	JCAR, Board	Ill. Adm. Code 702.110 and throughout this Section; removed the quotation marks from "formation," a term other than the defined term
730.103 "packer"	Board	Deleted the definite article "the" from before "RCRA"; added the conjunction "or" before the final element of a series; added the definite article "the" before "Environmental Protection Act"
730.103 "permit"	Board, JCAR	Changed "which" to "that"; Changed "which" to "that"; removed the quotation marks from "draft permit" and "proposed permit," terms other than the defined term
730.103 "plugging record"	Board	Changed "which" to "that"
730.103 "radioactive waste"	Board	Changed "which" to "that"
730.103 "RCRA"	Board	Replaced "Act" with a citation to the federal statute as set forth at the definition of "Act"
730.103 "SDWA"	JCAR	Changed "Pub. L." to "P.L."; changed "U.S.C." to "USC"
730.103 "septic system"	Board	Removed the parenthetical "as defined in this Section"
730.103 "sole or principal source aquifer"	Board, JCAR	Changed "which" to "that"; changed "Sections 1424(a) or (3) of the SDWA" to "Section 1424(a) or (e) of SDWA"

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730.103 "subsidence"	JCAR	Changed to lower-case "hydrocompaction"	730.167 heading	JCAR	"listed"
730.103 "total dissolved solids"	Board	Removed the parentheses from the alternative defined term "TDS" and added "or"	730.167(a)	Board	Removed the ending period from the Section heading
730.103 "underground source or drinking water"	Board	Removed the parentheses from the alternative defined term "USDW" and added "or"; removed the quotation marks from "aquifer," a term other than the defined term; added "of which the following is true"; changed the opening "which" to "it" to provide a subject and complete a sub-paragraph statement (three times); added the opening "it" to provide a subject and complete a sub-paragraph statement	730.167(c)	Board	Changed "shall" to "must"
			730.167(d)	Board	Changed "shall" to "must"
			730.167(e)	Board	Changed "which" to "that" for a restrictive relative clause
			730.167(e)(1)	Board	Added a comma before the conjunction before the last element of a series
			730.167(e)(2)	Board	Changed "which" to "that" for a restrictive relative clause
730.103 "USD"	Board	Removed the quotation marks from "underground source of drinking water," a term other than the defined term	730.167(f)	Board	Changed "shall" to "must" (twice); changed a comma to a semicolon after "fluids" to separate elements of a series that contains sub-elements separated by commas
730.103 "well stimulation"	JCAR	Added a comma after "injected" to offset a parenthetical	730.167(g)	Board	Changed "shall" to "must" (twice); changed "subsection (f)" to "subsection (f) of this Section"
730.105(a)(1)	JCAR	Changed to the generalized singular "hazardous waste"	730.167(h)	Board	Changed "subsection (g)" to "subsection (g) of this Section"; changed "shall" to "must"
730.110 Section heading	Board	Removed "Class I and Class III" from the Section heading	730.167(i)(1)	Board	Changed "shall" to "must"
730.110(c)(1)	Board	Added "may cause a violation of" before "other health-based standards" to correlate with the first element of the series; changed "reiterated" to	730.167(i)(2)	Board	Changed "shall" to "must"

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730.167 heading	JCAR	"listed"
730.167(a)	Board	Removed the ending period from the Section heading
730.167(c)	Board	Changed "shall" to "must" (three times); changed "which" to "that" for a restrictive relative clause
730.167(d)	Board	Changed "shall" to "must"
730.167(e)	Board	Changed "which" to "that" for a restrictive relative clause
730.167(e)(1)	Board	Added a comma before the conjunction before the last element of a series
730.167(e)(2)	Board	Changed "which" to "that" for a restrictive relative clause
730.167(f)	Board	Changed "shall" to "must" (twice); changed a comma to a semicolon after "fluids" to separate elements of a series that contains sub-elements separated by commas
730.167(g)	Board	Changed "shall" to "must" (twice); changed "subsection (f)" to "subsection (f) of this Section"
730.167(h)	Board	Changed "subsection (g)" to "subsection (g) of this Section"; changed "shall" to "must"
730.167(i)(1)	Board	Changed "shall" to "must"
730.167(i)(2)	Board	Changed "shall" to "must"

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- 730.167 Board note Board Updated the reference to the Code of Federal Regulations to the 1999 edition
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

Since the Notices of Proposed Amendments appeared in the October 6, 2000 issue of the *Illinois Register*, the Board received a number of suggestions for revisions from JCAR. The Board evaluated each suggestion and incorporated a number of changes into the text as a result, as indicated in item 11 above. The table below indicates JCAR suggestions not incorporated into the text, with a brief explanation for each. See the December 7, 2000 opinion and order in docket R00-11/R01-1 (consolidated) for additional details on the JCAR suggestions and the Board actions with regard to each.

Section Affected	Source(s) of Request: Request Revision(s)	Explanation
730.103 "septic system"	JCAR: Put "well" in quotation marks	Doing so is inconsistent with the removal of quotation marks from all terms other than the immediate-defined term in other definitions at the request of JCAR staff
730.103 "underground source of drinking water"	JCAR: change "which" to "that" (three times)	An alternative method for presenting the sub-paragraphs was selected, as indicated in Table 2 above
730.105(e)(8)	JCAR: Add "or not" after "whether"	The usage is in the alternative sense, not as an idiom, and the words "or not" already appear after the first alternative

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- 730.110(c)(1) JCAR: Remove the comma before "other health based standards" The comma separates the first and second elements of a multi-element series; the Board opted for an alternative method for presenting the four pre-conditions was selected, as indicated in Table 2 above
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of December 7, 2000, adopting amendments in consolidated UIC update docket R00-11/R01-1, which opinion and order is available from the address below.
- This proceeding updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during two update periods. The dockets and time periods that are involved in this proceeding are the following:

R00-11	Federal UIC amendments that occurred during the period July 1, 1999, through December 31, 1999.
R01-1	Federal UIC amendments that occurred during the period January 1, 2000, through June 30, 2000.

The consolidated R00-11/R01-1 docket amends rules in Parts 702, 704, 730, and 738. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 68546 (December 7, 1999)	Class V injection well amendments.
64 Fed. Reg. 70316 (December 16, 1999)	USEPA corrections to its amendments of December 7, 1999.

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- 65 Fed. Reg. 5024 (February 2, 2000) USFPA corrections to its amendments of December 7, 1999.
- 65 Fed. Reg. 14472 (March 17, 2000) Withdrawal of the organobromine production waste listings and LDRs.
- 65 Fed. Reg. 30886 (May 15, 2000) Streamlining amendments to the NPDES permit rules, including an amendment to the UIC permit rules.
- 65 Fed. Reg. 36365 (June 8, 2000) USFPA corrections to its action of March 17, 2000.

Specifically, the amendments to Part 730 implement segments of the federal Class V injection well amendments of December 7, 1999.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

The tables below list numerous corrections and amendments that are not based on current federal amendments. The first table includes deviations made in these amendments from the verbatim text of the federal amendments. The second table contains corrections and clarifications that the Board made in the base text involved in these amendments. These tables are reproduced from the tables that appear in the Board's opinion of December 7, 2000, in docket R00-11/R01-1 (consolidated). Some of the entries in these tables are discussed further in appropriate segments of the general discussion in that opinion.

Table 1:
Deviations from the Text of the Federal Amendments

Illinois Section	40 C.F.R. Section	Revision(s)
730.103 "cesspool"	146.3	Placed the defined term in quotation marks; removed an unnecessary comma; changed "and/or" to "or"
730.103 "improved sinkhole"	146.3	Placed the defined term in quotation marks; added "that is"; changed "which" to "that" for a restrictive relative clause

730.103 "point of injection"	146.3	Placed the defined term in quotation marks; offset the parenthetical "for a Class V well" by commas; added the indefinite article "a"; used the singular "well"; added the definite article "the"
730.103 waste	"sanitary 146.3	Placed the defined term in quotation marks; added a comma to offset a parenthetical
730.103 system"	"septic 146.3	Placed the defined term in quotation marks; removed the word "well"; removed the parenthetical "as defined in this Section"; changed "that" to "which" for a subsequent restrictive relative clause
730.103 fluid distribution system"	"subsurface 146.3	Placed the defined term in quotation marks;
730.103 "well"	146.3	Added a comma to separate the final two elements of a series; removed the conjunction "or" form between all but the final two elements of a series (twice); removed an unnecessary comma after "hole" removed an unnecessary comma after the conjunction "or"
730.105(a)(3)	146.5(a)(3)	Changed "which" to "that" for a restrictive relative clause; added "402 meters" and hyphenated "one-quarter" and placed it in parentheses for consistency

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730.110 Section heading	Board	Omitted "Class I, II, III, IV and V" from the Section heading
730.110(a)	146.10(a)	Added "injection"
730.110(b)	146.10(b)	Added "injection"; changed "shall" to "must"
730.110(c)	146.10(c)	Added "injection"
730.110(c)(1)	146.10(c)(1)	Added "injection"; changed "shall" to "must"; removed an unnecessary comma from before "if the presence ."; added a reference to the Illinois groundwater quality standards "any of . . . 35 Ill. Adm. Code 620"; changed "reiterated" to "listed"
730.110(c)(2)	146.10(c)(2)	Changed "shall" to "must"; used lower-case "federal"

Table 2:
Board Housekeeping Amendments

Section 730 table of contents	Source JCAR	Revision(s) Removed "Class I and Class III" from the heading of Section 730.110; corrected "correction" to "corrective" in the heading of Section 730.164 to agree with the text; deleted "by the director from the heading of Section 730.170 to agree with the text"
730 authority note	Board	Added a reference to Section 7.2 of the Act
730.103 "abandoned well"	Board	Changed "which" to "that"
730.103 "Act"	Board, JCAR	Deleted the comma after "1976"; changed "U.S.C." to "USC"; moved the period

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730.103 "application"	JCAR	outside the parenthesis mark Changed "703.182 et seq." to "703.182-703.188 and 703.200"
730.103 "aquifer"	Board	Changed "geological" to "geologic" to make usage consistent with that in 35 Ill. Adm. Code 702.110
730.103 "area of review"	Board	Changed "1/4" to "one-quarter"
730.103 "casing"	JCAR	Changed "water gas or other fluid" to "water, gas, or other fluid"
730.103 "confining zone"	Board	Changed "geological" to "geologic" to make usage consistent with that in 35 Ill. Adm. Code 702.110 and throughout this Section
730.103 "drywell"	Board	Added "that is"; added a comma to offset a parenthetical
730.103 "Environmental Protection Act"	Board	Changed the reference to the Illinois Revised Statutes to a reference to the Illinois Compiled Statutes
730.103 "EPA"	JCAR, Board	Added the alternative defined term "or "USEPA"
730.103 "exempted aquifer"	Board	Added a comma after "704.104" to segregate the final element of a series
730.103 "experimental technology"	Board	Changed "which" to "that"
730.103 "facility or activity"	Board	Removed the quotation marks from "HWM facility" and "injection well," terms

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other than the defined term; added a comma after "well" to offset the final element of a series

- 730.103 "flow rate" JCAR Changed "which" to "that"
- 730.103 "fluid" JCAR Changed "which" to "that"; added a comma after "moves" to offset a parenthetical
- 730.103 "formation" Board Changed "which" to "that"
- 730.103 "formation fluid" Board Removed the quotation marks from "fluid" and "formation," terms other than the defined term
- 730.103 "hazardous waste management facility" JCAR, Board Changed to lower-case "waste management"; removed the parentheses from the alternative defined term "USDW" and added "or"
- 730.103 "HWM facility" Board Removed the quotation marks from "hazardous waste management facility," a term other than the defined term; changed to lower-case "waste management"
- 730.103 "injection well" Board Removed the quotation marks from "well" and "fluids," terms other than the defined term
- 730.103 "injection zone" JCAR, Board Changed "geological" to "geologic" to make usage consistent with that in 35 Ill. Adm. Code 702.110 and throughout this Section; removed the quotation marks from "formation," a term other than the defined term
- 730.103 "owner or operator" JCAR, Board Deleted the definite article "the" from before "RCRA"; added the

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conjunction "or" before the final element of a series; added the definite article "the" before "Environmental Protection Act"

- 730.103 "packer" Board Changed "which" to "that"
- 730.103 "permit" Board, JCAR Changed "which" to "that"; removed the quotation marks from "draft permit" and "proposed permit," terms other than the defined term
- 730.103 "plugging record" Board Changed "which" to "that"
- 730.103 "radioactive waste" Board Changed "which" to "that"
- 730.103 "RCRA" Board Replaced "Act" with a citation to the federal statute as set forth at the definition of "Act"
- 730.103 "SDWA" JCAR Changed "Pub. L." to "P.L."; changed "U.S.C." to "USC"
- 730.103 "sole or principal source aquifer" Board, JCAR Changed "which" to "that"; changed "Sections 1424(a) or (3) of the SDWA" to "Section 1424(a) or (e) of SDWA"
- 730.103 "subsidence" JCAR Changed to lower-case "hydrocompaction"
- 730.103 "total dissolved solids" Board Removed the parentheses from the alternative defined term "TDS" and added "or"
- 730.103 "underground source or drinking water" Board Removed the parentheses from the alternative defined term "USDW" and added "or"; removed the quotation marks from "aquifer," a term other than the defined term;

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added "of which the following is true"; changed the opening "which" to "it" to provide a subject and complete a sub-paragraph statement (three times); added the opening "it" to provide a subject and complete a sub-paragraph statement

730.103 "USDW"

Board

Removed the quotation marks from "underground source of drinking water, "a term other than the defined term

730.103 "well stimulation"

JCAR

Added a comma after "injected" to offset a parenthetical

730.103 Board note

Board

Updated the reference to the Code of Federal Regulations to the 1999 edition and added a reference to a subsequent amendment that appeared in the Federal Register

730.105(a)(1)

Board, JCAR

Changed to the generalized singular "hazardous waste"; changed "1/4" to "one-quarter"

730.105(a)(2)

Board

Changed "1/4" to "one-quarter"

730.105(d)(1)

Board

Changed "1/4" to "one-quarter"

730.105(d)(2)

Board

Changed "1/4" to "one-quarter"

730.105(d)(3)

Board

Changed "subsection (a)(2), (d)(1), or (d)(2) above" to "subsection (a)(2), (d)(1), or (d)(2) of this Section"

730.105(e)

Board

Added "the following"

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730.110(a)(1)

Board

Changed "shall" to "must"

730.110(a)(4)

Board

Corrected the cross-references from "335 Ill. Adm. Code 704.188 and 704.187" to "335 Ill. Adm. Code 704.181(f) and 704.188"; changed "shall" to "must"

730.167 heading

JCAR

Removed the ending period from the Section heading

730.167(a)

Board

Changed "shall" to "must" (three times); changed "which" to "that" for a restrictive relative clause

730.167(c)

Board

Changed "shall" to "must"

730.167(d)

Board

Changed "shall" to "must"

730.167(e)

Board

Changed "which" to "that" for a restrictive relative clause

730.167(e)(1)

Board

Added a comma before the conjunction before the last element of a series

730.167(e)(2)

Board

Changed "which" to "that" for a restrictive relative clause

730.167(f)

Board

Changed "shall" to "must" (twice); changed a comma to a semicolon after "fluids" to separate elements of a series that contains sub-elements separated by commas

730.167(g)

Board

Changed "shall" to "must" (twice); changed "subsection (f)" to "subsection (f) of this Section"

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- 730.167(h) Board Changed "subsection (g)" to "subsection (g) of this Section"; changed "shall" to "must"
- 730.167(i)(1) Board Changed "shall" to "must"
- 730.167(i)(2) Board Changed "shall" to "must"
- 730.167 Board note Board Updated the reference to the Code of Federal Regulations to the 1999 edition
- 16) Please reference consolidated Docket R00-11/R01-1 and direct inquiries to the following person:
Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of December 7, 2000, from Patricia Jones, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>. (Search the Board opinions and orders for docket R00-11 or R01-1.)

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS
TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

PART 730
UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

- | | |
|---------|---|
| Section | Applicability, Scope and Effective Date |
| 730.101 | Laws Authorizing Regulations |
| 730.102 | Definitions |
| 730.103 | Criteria for Exempted Aquifers |
| 730.104 | Classification of Injection Wells |
| 730.105 | Area of Review |
| 730.106 | Corrective Action |
| 730.107 | Mechanical Integrity |
| 730.108 | Criteria for Establishing Permitting Priorities |
| 730.109 | Criteria for Abandoning Class I and Class III Wells |
| 730.110 | Plugging and Abandoning Class I and Class III Wells |

SUBPART B: CRITERIA AND STANDARDS APPLICABLE TO CLASS I NON-HAZARDOUS WELLS

- | | |
|---------|--|
| Section | Applicability |
| 730.111 | Construction Requirements |
| 730.112 | Operating, Monitoring and Reporting Requirements |
| 730.113 | Information to be Considered by the Agency |
| 730.114 | |

SUBPART C: CRITERIA AND STANDARDS APPLICABLE TO CLASS II WELLS

- | | |
|---------|--|
| Section | Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals |
| 730.121 | |

SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS

- | | |
|---------|---|
| Section | Applicability |
| 730.131 | Construction Requirements |
| 730.132 | Operating, Monitoring, and Reporting Requirements |
| 730.133 | Information to be Considered by the Agency |
| 730.134 | |

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SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section
730.151 Applicability
730.152 Inventory and Assessment (Repealed)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WELLS

Section
730.161 Applicability and Definitions
730.162 Minimum Criteria for Siting
730.163 Area of Review
730.164 ~~Corrective Action~~ Action for Wells in the Area of Review
730.165 Construction Requirements
730.166 Logging, Sampling, and Testing Prior to New Well Operation
730.167 Operating Requirements
730.168 Testing and Monitoring Requirements
730.169 Reporting Requirements
730.170 Information to be Evaluated ~~by the Director~~
730.171 Closure
730.172 Post-Closure Care
730.173 Financial Responsibility for Post-Closure Care

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14426, effective March 3, 1984; recodified at 10 Ill. Reg. 14174; amended at R89-2 at 14 Ill. Reg. 3130, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11959, effective July 9, 1990; amended in R93-6 at 17 Ill. Reg. 15646, effective September 14, 1993; amended in R94-5 at 18 Ill. Reg. 18391, effective December 20, 1994; amended in R95-4 at 19 Ill. Reg. 10047, effective June 27, 1995; amended in R00-11/R01-1 at 24 Ill. Reg. ~~10047~~, effective ~~June 27, 1995~~.

SUBPART A: GENERAL

Section 730.103 Definitions

The following definitions apply to the underground injection control program.

"Abandoned well" means a well whose use has been permanently discontinued or that which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

"Act" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580, as amended by

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P.L. 95-609, 42 USC 8-6-e- 6901-).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions or modifications to the forms. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 703.188 and 703.200 ~~et-seq.~~ (contents of Part B of the RCRA application).

"Aquifer" means a geologic ~~geological~~ formation, group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" means the area surrounding an "injection well" described according to the criteria set forth in Section 730.106 or, in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (one-quarter $\frac{1}{4}$ of a mile) or a number calculated according to the criteria set forth in Section 730.106.

"Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground or to prevent water, gas, or other fluid from entering or leaving the hole.

"Catastrophic collapse" means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

"Cementing" means the operation whereby a cement slurry is pumped into a drilled hole or forced behind the casing.

"Cesspool" means a "drywell" that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom of perforated sides.

"Confining bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

"Confining zone" means a geologic ~~geological~~ formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

"Contaminant" means any physical, chemical, biological or radiological

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substance or matter in water.

"Conventional mine" means an open pit or underground excavation for the production of minerals.

"Date of approval by USEPA of the Illinois UIC program" means February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Administrator's designee.

"Disposal well" means a well used for the disposal of waste into a subsurface stratum.

"Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

"Effective date of the UIC program" means February 1, 1984.

"Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5] (1987-Rev.) and 1988-Supp. Ch. III-1/27-par. 1001-et-seq. 77-as-amended.

"EPA" or "USEPA" means the United States Environmental Protection Agency.

"Exempted aquifer" means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures of 35 Ill. Adm. Code 704.123, 704.104 and 702.105.

"Existing injection well" means an "injection well" other than a "new injection well."

"Experimental technology" means a technology that which has not been proven feasible under the conditions in which it is being tested.

"Facility or activity" means any "HWM facility," UIC "injection well," or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the "State" RCRA or UIC program.

"Fault" means a surface or zone of rock fracture along which there has been displacement.

"Flow rate" means the volume per unit time of the flow of a gas or

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other fluid substance that which emerges from an orifice, pump or turbine or which passes along a conduit or channel.

"Fluid" means material or substance that which flows or moves, whether in a semisolid, liquid sludge, gas or any other form or state.

"Formation" means a body of rock characterized by a degree of lithologic homogeneity that which is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as drilling mud.

"Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management Waste-Management facility" or "HWM facility" means all contiguous land, and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (for example, one or more landfills, surface impoundments or combination of them).

"HWM facility" means "Hazardous waste management Waste-Management facility."

"Illinois" means the State of Illinois.

"Improved sinkhole" means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

"Injection well" means a "well" into which "fluids" are being injected.

"Injection zone" means a geologic geological "formation," group of formations or part of a formation receiving fluids through a well.

"Lithology" means the description of rocks on the basis of their

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physical and chemical characteristics.

"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA, UIC, or the Environmental Protection Act.

"Packer" means a device lowered into a well that which can be expanded to produce a fluid-tight seal.

"Permit" means an authorization, license or equivalent control document issued by the Agency to implement the requirements of this Part and 35 Ill. Adm. Code 702 through 705. Permit does not include RCRA interim status, (35 Ill. Adm. Code 703, Subpart C), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit that which has not yet been the subject of final Agency action, such as a "draft permit" or a "proposed permit."

"Plugging" means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

"Plugging record" means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations that which are sealed and a graphic log of the well showing formation location, formation thickness and location of plugging structures.

"Point of injection," for a Class V well, means the last accessible sampling point prior to waste fluids being released into the subsurface environment through the well. For example, the point of injection of a Class V septic system might be the distribution box--the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"Pressure" means the total load or force per unit area acting on a surface.

"Project" means a group of wells in a single operation.

"Radioactive Waste" means any waste that which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act, as amended by the Resource

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Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, 12 USC 6901) "Act".

"Sanitary waste" means liquid or solid wastes originating solely from llons and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"SDWA" means the Safe Drinking Water Act (P.L. 95-523, as amended by P.L. 95-190, 42 U.S.C. USC 300(f)).

"Septic system" means a well, as defined in this Section, that is used to emplac sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Sole or principal source aquifer" means an aquifer that which has been designated by the Administrator pursuant to Section Sections 1424(a) or (e)(3) of the SDWA.

"State" means the State of Illinois.

"Stratum" (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure, removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (hyrocompaction ~~hydrocompaction~~); oxidation of organic matter in soils; or added load on the land surface.

"Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

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"Surface casing" means the first string of well casing to be installed in the well.

"Total dissolved solids" or "TDS" means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"UTC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including the approved Illinois program.

"Underground injection" means a "well injection."

"Underground source of drinking water" or "USDW" means an "aquifer" or its portion of which following is true:

It which supplies any public water system; or

It which contains a sufficient quantity of groundwater to supply a public water system; and

It currently ~~currently~~ supplies drinking water for human consumption; or

It contains ~~contains~~ less than 10,000 mg/l total dissolved solids; and

It which is not an exempted "aquifer".

"USDW" means "underground source of drinking water."

"Well" means a bored, drilled or driven shaft whose depth is greater than the largest surface dimension; or a dug hole whose depth is greater than the largest surface dimension; an improved sinkhole; or a subsurface fluid distribution system.

"Well injection" means the subsurface emplacement of fluids through a bored,--drilled-or-driven-well;--or-through-a-dug well;--where-the-depth-of-the-dug-well-is-greater-than-the-largest-surface-dimension.

"Well monitoring" means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.

"Well plug" means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.

"Well stimulation" means several processes used to clean the well bore, enlarge channels and increase pore space in the interval to be injected, thus making it possible for wastewater to move more readily

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into the formation, and includes surging, jetting, blasting, acidizing and hydraulic fracturing.

BOARD NOTE: Derived from 40 CFR 146.3 (19991998), as amended at 64 Fed. Reg. 68573 (December 7, 1999).

(Source: Amended at 24 Ill. Reg. , effective .)

Section 730.105 Classification of Injection Wells

Injection wells are classified as follows:

a) Class I.

1) Wells used by generators of hazardous waste ~~wastes~~ or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter $\frac{1}{4}$ mile) of the well bore.

2) Other industrial and municipal disposal wells that inject fluids beneath the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter $\frac{1}{4}$ mile) of the well bore.

3) Radioactive waste disposal wells that inject fluids below the lowermost formation containing an underground source of drinking water within 402 meters (One-quarter mile) of the well bore.

b) Class II. Wells that inject fluids:

1) That are brought to the surface in connection with conventional oil or natural gas production and which may be commingled with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

2) For enhanced recovery of oil or natural gas; and

3) For storage of hydrocarbons that are liquid at standard temperature and pressure.

c) Class III. Wells that inject for extraction of minerals, including:

1) Mining of sulfur by the Frasch process;

2) In situ production of uranium or other metals. This category includes only in situ production from ore bodies that have not been conventionally mined. Solution mining of conventional mines, such as stopes leaching, is included in Class V; and

3) Solution mining of salts or potash.

BOARD NOTE: Class III wells include the recovery of geothermal energy to produce electric power but do not include wells used in heating or aquaculture that fall under Class V.

d) Class IV.

1) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste

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disposal sites to dispose of hazardous waste or radioactive waste into a formation that contains an underground source of drinking water within 402 meters (one-quarter $\frac{1}{4}$ mile) of the well.

2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation that contains an underground source of drinking water within 402 meters (one-quarter $\frac{1}{4}$ mile) of the well.

3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste that cannot be classified under subsection (a)(1), (d)(1), or (d)(2) of this Section above (e.g., wells used to dispose of hazardous wastes into or above a formation that contains an aquifer that has been exempted pursuant to Section 730.104).

e) Class V. Injection wells not included in Class I, Class II, Class III, or Class IV. Specific types of Class V injection wells include the following:

- 1) Air conditioning return flow wells used to return the water used in a heat pump for heating or cooling to the supply aquifer;
- 2) Cesspools, including multiple dwelling, community, or regional cesspools, or other devices that receive wastes that have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools or to non-residential cesspools that receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day;
- 3) Cooling water return flow wells used to inject water previously used for cooling;
- 4) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;
- 5) Dry wells used for the injection of wastes into a subsurface formation;
- 6) Recharge wells used to replenish the water in an aquifer;
- 7) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;
- 8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings, or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;
- 9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, or to non-residential septic system wells that are used solely for the disposal of sanitary waste and which have the capacity to serve

- fewer than 20 persons a day;
- 10) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;
- 11) Radioactive waste disposal wells other than Class IV wells;
- 12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture or production of electric power;
- 13) Wells used for solution mining of conventional mines such as stopes leaching;
- 14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; and
- 15) Injection wells used in experimental technologies.

(Source: Amended at 24 Ill. Reg. 33.104, effective 1/1/88)

Section 730.110 Plugging and Abandoning Class-I-and-Class-III-Wells

a) Requirements for Class I, II and III injection wells.

- 1a) Prior to abandoning a Class I or Class III well, the well must ~~shall~~ be plugged with cement in a manner that will not allow the movement of fluids either into or between underground sources of drinking water. The Agency may allow Class III wells to use other plugging materials if it is satisfied that such materials will prevent movement of fluids into or between underground sources of drinking water.
- 2b) Placement of the cement plugs shall be accomplished by one of the following:
 - A1) The Balance Method;
 - B2) The Dump Bailer Method;
 - C3) The Two-Plug Method; or
 - D4) An alternative method approved by the Agency in the permit that will reliably provide a comparable level of protection to underground sources of drinking water.
- 3e) The well to be abandoned must be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Agency, prior to the placement of the cement plug.
- 4d) The plugging and abandonment required in 35 Ill. Adm. Code 704.181(f) ~~704.188~~ ~~704.189~~ must also demonstrate adequate protection of USDWs in the case of a Class III well that underlies or is in an aquifer that has been exempted under Section 730.104. The Agency must ~~shall~~ prescribe aquifer cleanup and monitoring where it deems it necessary and feasible to insure

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- adequate protection of USDWs.
- b) Requirements for Class IV injection wells. Prior to abandoning a Class IV well, the owner or operator must close the well in accordance with 35 Ill. Adm. Code 704.145(b).
- c) Requirements for Class V injection wells.

1) Prior to abandoning a Class V injection well, the owner or operator must close the well in a manner that prevents the movement of fluid containing any contaminant into an underground source of drinking water if the presence of that contaminant may cause a violation of any primary drinking water regulation under 35 Ill. Adm. Code 611, any of the ground water quality standards of 35 Ill. Adm. Code 620, or may otherwise adversely affect the health of persons. Closure requirements for motor vehicle waste disposal wells and large-capacity cesspools are reiterated at Section 704.289.

2) The owner or operator must dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well in accordance with all applicable federal, State, and local regulations and requirements.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WELLS

Section 730.167 Operating Requirements

- a) Except during stimulation, the owner or operator must shall assure that injection pressure at the wellhead does not exceed a maximum that must ~~which shall~~ be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. The owner or operator must shall assure that the injection pressure does not initiate fractures or propagate existing fractures in the confining zone, nor cause the movement of injection or formation fluids into a USDW.
- b) Injection between the outermost casing protecting USDWs and the well bore is prohibited.
- c) The owner or operator must shall maintain an annulus pressure that exceeds the operating injection pressure, unless the Agency determines that such a requirement might harm the integrity of the well. The fluid in the annulus must be noncorrosive, or must contain a corrosion inhibitor.
- d) The owner or operator must shall maintain mechanical integrity of the injection well at all times.
- e) Permit requirements for owners or operators of hazardous waste injection wells that which inject wastes which have the potential to react with the injection formation to generate gases must include:

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- 1) Conditions limiting the temperature, pH, or acidity of the injected waste; and
- 2) Procedures necessary to assure that pressure imbalances that which might cause a backflow or blowout do not occur.
- f) The owner or operator must shall install and use continuous recording devices to monitor: the injection pressure; the flow rate, volume, and temperature of injected fluids, and the pressure on the annulus between the tubing and the long string casing, and shall install and use:
- 1) Automatic alarm and automatic shut-off systems, designed to sound and shut-in the well when pressures and flow rates or other parameters specified by permit condition exceed a range or gradient specified in the permit; or
- 2) Automatic alarms, designed to sound when the pressures and flow rates or other parameters exceed a rate or gradient specified in the permit, in cases where the owner or operator certifies that a trained operator will be on-site at all times when the well is operating.
- g) If an automatic alarm or shutdown is triggered, the owner or operator must shall immediately investigate and identify the cause of the alarm or shutdown without undue delay. If, upon such investigation, the well appears to be lacking mechanical integrity, or if monitoring required under subsection (f) of this Section otherwise indicates that the well may be lacking mechanical integrity, the owner or operator must shall:
- 1) Stop injecting waste fluids unless authorized by permit condition to continue or resume injection;
- 2) Take all necessary steps to determine the presence or absence of a leak; and
- 3) Notify the Agency within 24 hours after the alarm or shutdown.
- h) If a loss of mechanical integrity is discovered pursuant to subsection (g) of this Section or during periodic mechanical integrity testing, the owner or operator must shall:
- 1) Immediately cease injection of waste fluids;
- 2) Take all steps reasonably necessary to determine whether there may have been a release of hazardous wastes or hazardous waste constituents into any unauthorized zone;
- 3) Notify the Agency within 24 hours after loss of mechanical integrity is discovered;
- 4) Notify the Agency when injection can be expected to resume; and
- 5) Restore and demonstrate mechanical integrity pursuant to Section 730.108 prior to resuming injection of waste fluids.
- i) Whenever the owner or operator obtains evidence that there may have been a release of injected wastes into an unauthorized zone:
- 1) The owner or operator must shall immediately cease injection of waste fluids, and:
- A) Notify the Agency within 24 hours of obtaining such evidence;
- B) Take all necessary steps to identify and characterize the

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- extent of any release;
- C) Comply with any remediation plan specified by permit condition;
- D) Implement any remediation plan specified by permit condition; and
- E) Where such release is into a USDW currently serving as a water supply, place a notice in a newspaper of general circulation.
- 2) The Agency must ~~shall~~ permit the operator to resume injection prior to completing cleanup action if the owner or operator demonstrates that the injection operation will not endanger USDWs.
- j) The owner or operator must ~~shall~~ notify the Agency and obtain a permit modification prior to conducting any well workover.
- BOARD NOTE: Derived from 40 CFR 146.67--~~as added--at--53--Reg: 201507-July-26--1988~~ (1999).

(Source: Amended at 24 Ill. Reg. ~~24.1.1~~, effective ~~7-26-1988~~)

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- 1) Heading of the Part: Illinois Formulary for the Drug Product Selection Program
- 2) Code Citation: 77 Ill. Adm. Code 790
- 3) Section Numbers: Proposed Action:
790.10 New
790.40 Amendment
- 4) Statutory Authority: Authorized by and implementing Section 3.14 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/3.14] and Section 25 of the Pharmacy Practice Act [225 ILCS 85/25].
- 5) Effective Date of amendments: December 8, 2000
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain Incorporations by Reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Rulemaking Published in the Illinois Register: September 8, 2000, 24 Ill. Reg. 13592
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
- 11) Difference Between Proposal and Final Version: Section 790.10 was added to reference and date the incorporation of provisions from the Code of Federal Regulations. Style and technical changes were made in response to comments from the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee?
Yes
- 13) Will the rulemaking replace an emergency rulemaking currently in Effect?
No
- 14) Are there any other amendments pending on this Part? No
- 15) A Complete Description of the Subjects and Issues Involved: Public Act 91-766, amending both the Illinois Food, Drug and Cosmetic Act and the Pharmacy Practice Act of 1987, was signed by the Governor on June 9, 2000. The legislation revises the manner in which new FDA-approved generic drugs are to be considered for listing in the Illinois Formulary for the Drug

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Product Selection Program, effective September 1, 2000. The amendatory Act also provides an immediate effective date for the provision of these rule making activities.

Manufacturers of generic drug products approved for marketing by the FDA on or after September 1, 2000 shall submit bioequivalency information to the Department at least 60 days in advance of the products' substitution in the Illinois. During the 60 day period, the Technical Advisory Council will determine whether a generic drug product has issues related to the practice of medicine or the practice of pharmacy.

If the Council determines that a generic drug product has issues related to the practice of medicine or the practice of pharmacy, then the Council shall hold a hearing at its next regularly scheduled meeting. After receipt of the Council's recommendation, the Director may approve or prohibit the drug product's inclusion in the Illinois Formulary for the Drug Product Selection Program.

- 16) Information and Questions Regarding these adopted amendments shall be directed to:

Paul D. Thompson
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
rules@idph.state.il.us

The full text of the adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 790

THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
790.10	Incorporated Materials
790.20	Introduction
790.40	Consideration of Drug Products for Inclusion in the Illinois Formulary
790.60	Additional Criteria
790.80	Quality Listing
790.100	Generic Drug Entity Headings
790.120	Comments and Specific Administration
790.140	Requests for Additional Copies
790.160	Prescription Use of Drug Products
790.180	FDA Drug Product Approval and Recommendation
790.200	Availability of Drug Products; Pharmaceutical Equivalence
790.220	Single Source Drug Products Exclusion
790.240	Criteria for Exclusion of Drug Products
790.260	Inclusion of Controlled Substances
790.280	Equivalence of Products Requirements
790.300	Selection of Equivalent Drug Products
790.320	Transfer of Prescription Records

SUBPART B: APPROVED DRUG PRODUCTS FOR
DRUG PRODUCT SELECTION

Section	
790.420	ACETAMINOPHEN; BUTALBITAL (Repealed)
790.460	ACETAMINOPHEN; BUTALBITAL; CAFFEINE (Repealed)
790.480	ACETAMINOPHEN; CAFFEINE; DIHYDROCODEINE BITARTRATE (Repealed)
790.500	ACETAMINOPHEN; CODEINE PHOSPHATE (Repealed)
790.540	ACETAMINOPHEN; HYDROCODONE BITARTRATE (Repealed)
790.548	ACETAMINOPHEN; OXYCODONE HYDROCHLORIDE (Repealed)
790.580	ACETAMINOPHEN; PROPOXYPHENE HYDROCHLORIDE (Repealed)
790.600	ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE (Repealed)
790.620	ACETAZOLAMIDE (Repealed)
790.630	ACETAZOLAMIDE SODIUM (Repealed)
790.660	ACETIC ACID, GLACIAL (Repealed)
790.700	ACETIC ACID, GLACIAL; HYDROCORTISONE (Repealed)
790.706	ACETOHEXAMIDE (Repealed)
790.721	ACETYLCYSTEINE (Repealed)
790.740	ALBUTEROL SULFATE (Repealed)

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790.756	ALCOHOL; DEXTROSE (Repealed)
790.760	ALCOHOL; MORPHINE (Repealed)
790.780	ALLOPURINOL (Repealed)
790.788	AMANTADINE HYDROCHLORIDE (Repealed)
790.798	AMLODIDE HYDROCHLORIDE (Repealed)
790.799	AMLODIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE (Repealed)
790.815	AMINOCETIC ACID (Repealed)
790.820	AMINOCAPROIC ACID (Repealed)
790.830	AMINOHIPPURATE SODIUM (Repealed)
790.860	AMINOPHYLLINE (Repealed)
790.900	AMITRIPTYLINE HYDROCHLORIDE (Repealed)
790.905	AMITRIPTYLINE HYDROCHLORIDE; CHLORDIAZEPOXIDE (Repealed)
790.910	AMITRIPTYLINE HYDROCHLORIDE; PERPHENAZINE (Repealed)
790.920	AMOXAPINE (Repealed)
790.940	AMOXICILLIN TRIHYDRATE (Repealed)
790.974	AMPHOTERICIN B (Repealed)
790.980	AMPICILLIN SODIUM (Repealed)
790.1020	AMPICILLIN; PROBENECID (Repealed)
790.1060	AMPICILLIN/AMPCILLIN TRIHYDRATE (Repealed)
790.1100	ANISOTROPINE METHYLBROMIDE (Repealed)
790.1107	ANTAZOLINE PHOSPHATE; NAPHAZOLINE HYDROCHLORIDE (Repealed)
790.1112	ANTIPYRINE; BENZOCAINE (Repealed)
790.1120	ASCORBIC ACID; BIOTIN; CYANOCOBALAMIN; DEXPANTHENOL; ERGOCALCIFEROL; FOLIC ACID; NIACINAMIDE; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN PHOSPHATE SODIUM; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN E (Repealed)
790.1125	ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; IRON; NICOTINIC ACID; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN D; VITAMIN E (Repealed)
790.1127	ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; NICOTINIC ACID; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN D; VITAMIN E (Repealed)
790.1129	ASCORBIC ACID; FLUORIDE; IRON; VITAMIN A; VITAMIN D (Repealed)
790.1131	ASCORBIC ACID; FLUORIDE; VITAMIN A; VITAMIN D (Repealed)
790.1140	ASPIRIN; BUTALBITAL; CAFFEINE (Repealed)
790.1180	ASPIRIN; BUTALBITAL; CAFFEINE; PHENACETIN (Repealed)
790.1200	ASPIRIN; CAFFEINE; ORPHENADRINE CITRATE (Repealed)
790.1220	ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE (Repealed)
790.1260	ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE (Repealed)
790.1300	ASPIRIN; CAFFEINE; PROPOXYPHENE HYDROCHLORIDE (Repealed)
790.1345	ASPIRIN; CARISOPRODOL (Repealed)
790.1350	ASPIRIN; CODEINE PHOSPHATE (Repealed)
790.1360	ASPIRIN; MEPROBAMATE (Repealed)
790.1380	ASPIRIN; METHOCARBAMOL (Repealed)
790.1386	ASPIRIN; OXYCODONE HYDROCHLORIDE; OXYCODONE TEREPHTHALATE (Repealed)
790.1390	ATENOLOL (Repealed)
790.1390	ATENOLOL; CHLORTHALIDONE (Repealed)
790.1418	ATROPINE SULFATE (Repealed)

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790.1420	ATROPINE SULFATE; DIPHENOXYLATE HYDROCHLORIDE (Repealed)
790.1423	ATROPINE SULFATE; HYOSCYAMINE; PHENOBARBITAL; SCOPOLAMINE HYDROBROMIDE (Repealed)
790.1425	ATROPINE SULFATE; MEPERIDINE HYDROCHLORIDE (Repealed)
790.1440	AZATHIOPRINE SODIUM (Repealed)
790.1460	BACITRACIN (Repealed)
790.1490	BACITRACIN ZINC; HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
790.1500	BACITRACIN ZINC; NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
790.1540	BACITRACIN ZINC; POLYMYXIN B SULFATE (Repealed)
790.1560	BACLOFEN (Repealed)
790.1570	BENZTROPINE MESYLATE (Repealed)
790.1573	BEPRIDIL HYDROCHLORIDE (Repealed)
790.1577	BETAMETHASONE DIPROPIONATE (Repealed)
790.1580	BETAMETHASONE SODIUM PHOSPHATE (Repealed)
790.1620	BETAMETHASONE VALERATE (Repealed)
790.1660	BETHANECHOL CHLORIDE (Repealed)
790.1685	BRETYLIUM TOSYLATE (Repealed)
790.1686	BRETYLIUM TOSYLATE; DEXTROSE (Repealed)
790.1697	BROMODIPHENHYDRAMINE HYDROCHLORIDE; CODEINE PHOSPHATE (Repealed)
790.1700	BROMPHENIRAMINE MALEATE (Repealed)
790.1706	BROMPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PHENYLPROPANOLAMINE HYDROCHLORIDE (Repealed)
790.1708	BROMPHENIRAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)
790.1710	BROMPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE (Repealed)
790.1719	BUPIVACAINE HYDROCHLORIDE (Repealed)
790.1721	BUPIVACAINE HYDROCHLORIDE; EPINEPHRINE BITARTRATE (Repealed)
790.1740	BUTABARBITAL SODIUM (Repealed)
790.1780	CAFFEINE; CARISOPRODOL; PHENACETIN (Repealed)
790.1820	CAFFEINE; ERGOTAMINE TARTRATE (Repealed)
790.1830	CALCITONIN, SALMON (Repealed)
790.1835	CALCIUM CHLORIDE; DEXTROSE; GLUTATHIONE DISULFIDE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM BICARBONATE; SODIUM CHLORIDE; SODIUM PHOSPHATE (Repealed)
790.1842	CALCIUM CHLORIDE; DEXTROSE; MAGNESIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE (Repealed)
790.1846	CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE (Repealed)
790.1848	CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE (Repealed)
790.1856	CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE (Repealed)
790.1858	CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM LACTATE (Repealed)
790.1860	CALCIUM GLUCEPATE (Repealed)
790.1870	CALCIUM GLUCONATE (Repealed)
790.1900	CANDICIDIN (Repealed)

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790.1930	CARBAMAZEPINE (Repealed)	
790.1940	CARBENICILLIN DISODIUM (Repealed)	
790.1950	CARBINOXAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE;	
	PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)	
790.1960	CARINOXAMINE MALEATE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)	
790.1980	CARISOPRODOL (Repealed)	
790.2020	CEFADROXIL MONOHYDRATE (Repealed)	
790.2060	CEFAZOLIN SODIUM (Repealed)	
790.2084	CEFTAZIDIME (Repealed)	
790.2092	CEFUOXIME SODIUM (Repealed)	
790.2097	CEPHALEXIN (Repealed)	
790.2100	CEPHALOTHIN SODIUM (Repealed)	
790.2130	CEPHAPIRIN SODIUM (Repealed)	
790.2140	CEPHRADINE/CEFRADINE DIHYDRATE (Repealed)	
790.2155	CHLORAL HYDRATE (Repealed)	
790.2180	CHLORAMPHENICOL (Repealed)	
790.2220	CHLORAMPHENICOL SODIUM SUCCINATE (Repealed)	
790.2260	CHLORDIAZEPoxide HYDROCHLORIDE (Repealed)	
790.2300	CHLORMEZANONE (Repealed)	
790.2340	CHLOROQUINE PHOSPHATE (Repealed)	
790.2380	CHLOROTHIAZIDE (Repealed)	
790.2390	CHLOROTHIAZIDE; METHYLDOPA (Repealed)	
790.2420	CHLOROPRANISONE (Repealed)	
790.2460	CHLORPHENIRAMINE MALEATE (Repealed)	
790.2462	CHLORPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)	
790.2465	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE HYDROCHLORIDE; PHENYLPROPANOLAMINE HYDROCHLORIDE; CITRATE (Repealed)	
790.2470	CHLORPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE (Repealed)	
790.2485	CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE TANNATE; PYRILAMINE TANNATE (Repealed)	
790.2500	CHLORPROMAZINE HYDROCHLORIDE (Repealed)	
790.2510	CHLORPROPAMIDE (Repealed)	
790.2540	CHLORTHALIDONE (Repealed)	
790.2555	CHLORTHALIDONE; CLONIDINE HYDROCHLORIDE (Repealed)	
790.2580	CHLORZOXAZONE (Repealed)	
790.2583	CHROMIC CHLORIDE (Repealed)	
790.2595	CITRIC ACID; MAGNESIUM OXIDE; SODIUM CARBONATE (Repealed)	
790.2603	CLINDAMYCIN HYDROCHLORIDE (Repealed)	
790.2605	CLINDAMYCIN PHOSPHATE (Repealed)	
790.2613	CLOFIBRATE (Repealed)	
790.2614	CLOMIPHENE CITRATE (Repealed)	
790.2617	CLONIDINE HYDROCHLORIDE (Repealed)	
790.2618	CLORAZEPATE DIPOTASSIUM (Repealed)	
790.2620	CLOTIRINAZOLE (Repealed)	
790.2645	CLOXACILLIN SODIUM MONOHYDRATE (Repealed)	

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790.2655	CODEINE PHOSPHATE; GUAIFENESIN (Repealed)	
790.2660	CLOXACILLIN SODIUM MONOHYDRATE (Repealed)	
790.2661	CODEINE PHOSPHATE; GUAIFENESIN; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)	
790.2662	CODEINE PHOSPHATE; IODINATED GLYCEROL (Repealed)	
790.2663	CODEINE PHOSPHATE; PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE (Repealed)	
790.2668	CODEINE PHOSPHATE; PROMETHAZINE HYDROCHLORIDE (Repealed)	
790.2672	CODEINE PHOSPHATE; PSEUDOEPHEDRINE HYDROCHLORIDE; TRIPROLIDENE HYDROCHLORIDE (Repealed)	
790.2700	CORTICOTROPIN (Repealed)	
790.2740	CROTAMITON (Repealed)	
790.2780	CYANOCOBALAMIN (Repealed)	
790.2800	CYCLACILLIN (Repealed)	
790.2805	CYCLOBENZAPRINE HYDROCHLORIDE (Repealed)	
790.2820	CYCLOPENTOLATE HYDROCHLORIDE (Repealed)	
790.2860	CYCLOPHOSPHAMIDE (Repealed)	
790.2900	CYPROHEPTADINE HYDROCHLORIDE (Repealed)	
790.2902	CYTARABINE (Repealed)	
790.2904	DACARBAZINE (Repealed)	
790.2908	DANAZOL (Repealed)	
790.2915	DAUNORUBICIN HYDROCHLORIDE (Repealed)	
790.2928	DESIPRAMINE HYDROCHLORIDE (Repealed)	
790.2932	DESONIDE (Repealed)	
790.2940	DEXAMETHASONE (Repealed)	
790.2980	DEXAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)	
790.3020	DEXAMETHASONE SODIUM PHOSPHATE (Repealed)	
790.3021	DEXAMETHASONE SODIUM PHOSPHATE; NEOMYCIN SULFATE (Repealed)	
790.3023	DEXCHLORPHENIRAMINE MALEATE (Repealed)	
790.3025	DEXTROAMPHETAMINE SULFATE (Repealed)	
790.3027	DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL (Repealed)	
790.3028	DEXTROMETHORPHAN HYDROBROMIDE; PROMETHAZINE HYDROCHLORIDE (Repealed)	
790.3029	DEXTROSE (Repealed)	
790.3030	DEXTROSE; DOPAMINE HYDROCHLORIDE (Repealed)	
790.3032	DEXTROSE; HEPARIN SODIUM (Repealed)	
790.3033	DEXTROSE; LIDOCAINE HYDROCHLORIDE (Repealed)	
790.3038	DEXTROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE (Repealed)	
790.3042	DEXTROSE; POTASSIUM CHLORIDE (Repealed)	
790.3048	DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE (Repealed)	
790.3049	DEXTROSE; SODIUM CHLORIDE (Repealed)	
790.3051	DEXTROSE; THEOPHYLLINE (Repealed)	
790.3054	DIAZEPAM (Repealed)	
790.3056	DIAZOXIDE (Repealed)	
790.3060	DICLOXACILLIN SODIUM (Repealed)	
790.3085	DICYCLOMINE HYDROCHLORIDE (Repealed)	
790.3100	DIENESTROL (Repealed)	
790.3140	DIETHYLPROPION HYDROCHLORIDE (Repealed)	

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790.3180 DIETHYLSTILBESTROL (Repealed)
790.3220 DIGOXIN (Repealed)
790.3260 DIMENHYDRINATE (Repealed)
790.3300 DIPHENHYDRAMINE HYDROCHLORIDE (Repealed)
790.3308 DIFYRIDAMOLE (Repealed)
790.3315 DISOPYRAMIDE PHOSPHATE (Repealed)
790.3335 DOPAMINE HYDROCHLORIDE (Repealed)
790.3340 DOXEPIN HYDROCHLORIDE (Repealed)
790.3350 DOXORUBICIN HYDROCHLORIDE (Repealed)
790.3380 DOXYCYCLINE (Repealed)
790.3420 DOXYCYCLINE HYCLATE (Repealed)
790.3425 DOXYLAMINE SUCCINATE (Repealed)
790.3437 DROPERIDOL (Repealed)
790.3440 DROPERIDOL; FENTANYL CITRATE (Repealed)
790.3460 ECHTHIOPHATE IODIDE (Repealed)
790.3472 EDETATE DISODIUM (Repealed)
790.3475 EDROPHONIUM CHLORIDE (Repealed)
790.3480 EPHEDRINE; HYDROXYZINE HYDROCHLORIDE; THEOPHYLLINE (Repealed)
790.3488 EPINEPHRINE HYDROCHLORIDE (Repealed)
790.3492 EPINEPHRINE; LIDOCAINE HYDROCHLORIDE (Repealed)
790.3495 EPOETIN ALPHA (Repealed)
790.3500 ERGOCALCIFEROL (Repealed)
790.3540 ERGOLOID MESYLATES (Repealed)
790.3580 ERGOTAMINE TARTRATE (Repealed)
790.3620 ERYTHROMYCIN (Repealed)
790.3660 ERYTHROMYCIN ESTOLATE (Repealed)
790.3700 ERYTHROMYCIN ETHYLSUCCINATE (Repealed)
790.3720 ERYTHROMYCIN ETHYLSUCCINATE; SULFISOXAZOLE ACETYL (Repealed)
790.3730 ERYTHROMYCIN LACTOBIONATE (Repealed)
790.3740 ERYTHROMYCIN STEARATE (Repealed)
790.3742 ERYTHROMYCIN STEARATE (Repealed)
790.3780 ESTRADIOL CYPIONATE (Repealed)
792.3800 ESTRADIOL CYPIONATE; TESTOSTERONE CYPIONATE (Repealed)
790.3820 ESTRADIOL VALERATE (Repealed)
790.3860 ESTRADIOL VALERATE; TESTOSTERONE ENANTHATE (Repealed)
790.3875 ESTROPIPADOL (PEPERAZINE ESTRONE SULFATE) (Repealed)
790.3900 ETHCHLORVYNOL (Repealed)
790.3904 ETHINYL ESTRADIOL; LEVONORGESTREL (Repealed)
790.3907 ETHINYL ESTRADIOL; NORETHINDRONE (Repealed)
790.3910 FENOPROPEN CALCIUM (Repealed)
790.3914 FENTANYL CITRATE (Repealed)
790.3920 FLOXURIDINE (Repealed)
790.3940 FLUOCINOLONE ACETONIDE (Repealed)
790.3945 FLUOCINONIDE (Repealed)
790.3960 FLUOROMETHOLONE (Repealed)
790.3980 FLUOROURACIL (Repealed)
790.3996 FLUPHENAZINE DECANOATE (Repealed)
790.4012 FLUPHENAZINE HYDROCHLORIDE (Repealed)

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790.4020 FLURANDRENOLIDE (Repealed)
790.4040 FLURAZEPAM HYDROCHLORIDE (Repealed)
790.4060 FOLIC ACID (Repealed)
790.4100 FUROSEMIDE (Repealed)
790.4140 GENTAMICIN SULFATE (Repealed)
790.4150 GENTAMICIN SULFATE; SODIUM CHLORIDE (Repealed)
790.4173 GLUCAGON HYDROCHLORIDE (Repealed)
790.4180 GLUTETHIMIDE (Repealed)
790.4200 GLYCINE (Repealed)
790.4220 GLYCOPYROLATE (Repealed)
790.4260 GONADOTROPIN CHORIONIC (Repealed)
790.4300 GRAMICIDIN; NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
790.4340 GRISEOFULVIN MICROCRYSTALLINE (Repealed)
790.4380 GRISEOFULVIN ULTRAMICROCRYSTALLINE (Repealed)
790.4384 GUAIFENESIN; HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)
790.4385 GUAIFENESIN; THEOPHYLLINE (Repealed)
790.4386 GUANETHIDINE MONOSULFATE (Repealed)
790.4396 HALOPERIDOL (Repealed)
790.4398 HALOPERIDOL LACTATE (Repealed)
790.4420 HEPARIN SODIUM (Repealed)
790.4430 HEPARIN SODIUM; SODIUM CHLORIDE (Repealed)
790.4460 HEXACHLOROPHENE (Repealed)
790.4495 HOMATROPINE HYDROBROMIDE (Repealed)
790.4500 HOMATROPINE METHYLBROMIDE (Repealed)
790.4540 HOMATROPINE METHYLBROMIDE; HYDROCODONE BITARTRATE (Repealed)
790.4580 HYDRALAZINE HYDROCHLORIDE (Repealed)
790.4620 HYDRALAZINE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE (Repealed)
790.4660 HYDROCHLOROTHIAZIDE (Repealed)
790.4665 HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE (Repealed)
790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL (Repealed)
790.4670 HYDROCHLOROTHIAZIDE; METHYLDOPA (Repealed)
790.4680 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE (Repealed)
790.4700 HYDROCHLOROTHIAZIDE; SPIRONOLACTONE (Repealed)
790.4720 HYDROCHLOROTHIAZIDE; TRIAMTERENE (Repealed)
790.4725 HYDROCODONE BITARTRATE; PHENYLPROPANOLAMINE HYDROCHLORIDE (Repealed)
790.4728 HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE (Repealed)
790.4740 HYDROCORTISONE (Repealed)
790.4780 HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
790.4820 HYDROCORTISONE; POLYMYXIN B SULFATE (Repealed)
790.4840 HYDROCORTISONE SODIUM PHOSPHATE (Repealed)
790.4860 HYDROCORTISONE; UREA (Repealed)
790.4900 HYDROCORTISONE ACETATE (Repealed)
790.4940 HYDROCORTISONE ACETATE; NEOMYCIN SULFATE (Repealed)
790.4960 HYDROCORTISONE ACETATE; PRAMOXINE HYDROCHLORIDE (Repealed)
790.4963 HYDROCORTISONE ACETATE; UREA (Repealed)
790.4965 HYDROCORTISONE BUTYRATE (Repealed)
790.4980 HYDROCORTISONE SODIUM SUCCINATE (Repealed)

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790.5020 HYDROFLUMETHIAZIDE (Repealed)
790.5030 HYDROMORPHONE INJECTION (Repealed)
790.5060 HYDROXOCOBALAMIN (Repealed)
790.5100 HYDROXYPROGESTERONE CAPROATE (Repealed)
790.5140 HYDROXYZINE HYDROCHLORIDE (Repealed)
790.5180 HYDROXYZINE PAMOATE (Repealed)
790.5220 IBUPROFEN (Repealed)
790.5260 IDOXURIDINE (Repealed)
790.5300 IMIPRAMINE HYDROCHLORIDE (Repealed)
790.5312 INDOMETHACIN (Repealed)
790.5320 IODINATED GLYCEROL (Repealed)
790.5340 IRON DEXTRAN COMPLEX (Repealed)
790.5380 ISOTHARINE HYDROCHLORIDE (Repealed)
790.5420 ISONIAZID (Repealed)
790.5460 ISOPROTERENOL HYDROCHLORIDE (Repealed)
790.5483 ISOSORBIDE DINITRATE (Repealed)
790.5500 KANAMYCIN SULFATE (Repealed)
790.5520 KETAMINE HYDROCHLORIDE (Repealed)
790.5530 LABETALOL HYDROCHLORIDE (Repealed)
790.5540 LACTULOSE (Repealed)
790.5544 LEUCOVORIN CALCIUM (Repealed)
790.5555 LEVOCARNITINE (Repealed)
790.5560 LEVONORDEFIN; MEPIVICAINE HYDROCHLORIDE (Repealed)
790.5580 LIDOCAINE (Repealed)
790.5620 LIDOCAINE HYDROCHLORIDE (Repealed)
790.5640 LINCOMYCIN (Repealed)
790.5660 LINDANE (Repealed)
790.5700 LIOTHYRONINE SODIUM (Repealed)
790.5720 LISINAPRIL (Repealed)
790.5740 LITHIUM CARBONATE (Repealed)
790.5780 LITHIUM CITRATE (Repealed)
790.5788 LOPERAMIDE (Repealed)
790.5792 LORAZEPAM (Repealed)
790.5795 LORAXAPINE SUCCINATE (Repealed)
790.5800 MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE (Repealed)
790.5802 MANNITOL (Repealed)
790.5807 MAPROPTILINE HYDROCHLORIDE (Repealed)
790.5820 MECLIZINE HYDROCHLORIDE (Repealed)
790.5830 MECLOFENAMATE SODIUM (Repealed)
790.5835 MEDROXYPROGESTERONE ACETATE (Repealed)
790.5837 MEFENAMIC ACID (Repealed)
790.5840 MEGESTROL ACETATE (Repealed)
790.5860 MENADIOL SODIUM PHOSPHATE (Repealed)
790.5872 MEPIRIDINE HYDROCHLORIDE (Repealed)
790.5893 MEPIVICAINE HYDROCHLORIDE (Repealed)
790.5900 MEPROBAMATE (Repealed)
790.5924 MESTRANOL; NORETHINDRONE (Repealed)

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790.5940 METAPROTERENOL SULFATE (Repealed)
790.5980 METAMINOL BITARTRATE (Repealed)
790.5992 METHADONE HYDROCHLORIDE (Repealed)
790.5996 METHAMPHETAMINE HYDROCHLORIDE (Repealed)
790.6020 METHILAZINE HYDROCHLORIDE (Repealed)
790.6060 METHENAMINE HIPPUATE (Repealed)
790.6100 METHICILLIN SODIUM (Repealed)
790.6140 METHOCARBAMOL (Repealed)
790.6180 METHOTREXATE SODIUM (Repealed)
790.6220 METHSCOPOLAMINE BROMIDE (Repealed)
790.6260 METHYCLOTHIAZIDE (Repealed)
790.6275 METHYLDOPA (Repealed)
790.6277 METHYLDOPATE HYDROCHLORIDE (Repealed)
790.6280 METHYLPHENIDATE HYDROCHLORIDE (Repealed)
790.6284 METHYLPREDNISOLONE (Repealed)
790.6300 METHYLPREDNISOLONE SODIUM SUCCINATE (Repealed)
790.6340 METHYLTESTOSTERONE (Repealed)
790.6370 METOCLOPRAMIDE HYDROCHLORIDE (Repealed)
790.6375 METOCURINE IODIDE (Repealed)
790.6380 METOLAZONE (Repealed)
790.6420 METRONIDAZOLE (Repealed)
790.6430 MINOCYCLINE (Repealed)
790.6435 MINOXIDIL (Repealed)
790.6445 MORPHINE SULFATE (Repealed)
790.6450 NAFICILLIN SODIUM (Repealed)
790.6452 NALBUPHINE HYDROCHLORIDE (Repealed)
790.6454 NALIDIXIC ACID (Repealed)
790.6456 NALOXONE HYDROCHLORIDE (Repealed)
790.6460 NANDROLONE DECANOATE (Repealed)
790.6480 NANDROLONE PHENPROPIONATE (Repealed)
790.6500 NAPHAZOLINE HYDROCHLORIDE (Repealed)
790.6505 NAPHAZOLINE HYDROCHLORIDE; PHENIRAMINE MALEATE (Repealed)
790.6540 NEOMYCIN SULFATE (Repealed)
790.6544 NEOMYCIN SULFATE; POLYMYXIN B SULFATE (Repealed)
790.6570 NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE (Repealed)
790.6580 NIACIN (Repealed)
790.6610 NIFEDIPINE (Repealed)
790.6620 NITROFURANTOIN (Repealed)
790.6621 NITROFURANTOIN MACROCRYSTALS (Repealed)
790.6660 NITROFURAZONE (Repealed)
790.6670 NITROGLYCERIN INJECTION (Repealed)
790.6700 NORETHINDRONE ACETATE (Repealed)
790.6740 NORTRIPTYLINE HYDROCHLORIDE (Repealed)
790.6780 NYSTATIN (Repealed)
790.6800 NYSTATIN; TRIAMCINOLONE ACETONIDE (Repealed)
790.6820 ORPHENADRINE CITRATE (Repealed)
790.6860 OXACILLIN SODIUM (Repealed)
790.6875 OXAZEPAM (Repealed)

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790.6885 OXTRIPHYLLINE (Repealed)
790.6895 OXYBUTYRIN (Repealed)
790.6900 OXYPHENBUTAZONE (Repealed)
790.6940 OXYTETRACLYNE HYDROCHLORIDE (Repealed)
790.6946 OXYTOCIN (Repealed)
790.6960 PANCURONIUM BROMIDE (Repealed)
790.6980 PENICILLIN G POTASSIUM (Repealed)
790.7020 PENICILLIN G PROCAINE (Repealed)
790.7060 PENICILLIN G SODIUM (Repealed)
790.7100 PENICILLIN V POTASSIUM (Repealed)
790.7120 PENTOBARBITAL SODIUM (Repealed)
790.7130 PERPHENAZINE (Repealed)
790.7140 PHENDIMETRAZINE TARTRATE (Repealed)
790.7160 PHENOBARBITAL (Repealed)
790.7180 PHENTERMINE HYDROCHLORIDE (Repealed)
790.7181 PHENTERMINE RESIN COMPLEX (Repealed)
790.7220 PHENYL BUTAZONE (Repealed)
790.7221 PHENYLEPHRINE HYDROCHLORIDE (Repealed)
790.7223 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE (Repealed)
790.7229 PHENYTOIN SODIUM INJECTION (Repealed)
790.7245 PILOCARPINE HYDROCHLORIDE (Repealed)
790.7260 PIPERAZINE CITRATE (Repealed)
790.7263 PIROXICAM (Repealed)
790.7265 POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM BICARBONATE;
SODIUM CHLORIDE; SODIUM SULFATE, ANHYDROUS (Repealed)
790.7272 POLYMYXIN B SULFATE (Repealed)
790.7278 POTASSIUM BICARBONATE (Repealed)
790.7280 POTASSIUM CHLORIDE (Repealed)
790.7284 POTASSIUM GLUCONATE (Repealed)
790.7288 POTASSIUM GLUCONATE (Repealed)
790.7291 PRALIDOXIME CHLORIDE (Repealed)
790.7294 PRAZEPAM (Repealed)
790.7296 PRAZOSIN HYDROCHLORIDE (Repealed)
790.7300 PREDNISOLONE ACETATE (Repealed)
790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM (Repealed)
790.7380 PREDNISOLONE SODIUM PHOSPHATE (Repealed)
790.7400 PREDNISONE (Repealed)
790.7420 PRIMIDONE (Repealed)
790.7460 PROBENECID (Repealed)
790.7500 PROCAINAMIDE HYDROCHLORIDE (Repealed)
790.7510 PROCAINE HYDROCHLORIDE (Repealed)
790.7540 PROCHLORPERAZINE EDISYLATE (Repealed)
790.7580 PROCHLORPERAZINE MALEATE (Repealed)
790.7620 PROCESTERONE (Repealed)
790.7660 PROMAZINE HYDROCHLORIDE (Repealed)
790.7700 PROMETHAZINE HYDROCHLORIDE (Repealed)
790.7740 PROPANETHELINE BROMIDE (Repealed)
790.7780 PROPACACINE HYDROCHLORIDE (Repealed)

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790.7820 PROPOXYPHENE HYDROCHLORIDE (Repealed)
790.7828 PROPANOLOL HYDROCHLORIDE (Repealed)
790.7834 PROTAMINE SULFATE (Repealed)
790.7860 PSEUDOEPIEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE (Repealed)
790.7900 PYRIDOSTIGMINE BROMIDE (Repealed)
790.7940 PYRIDOXINE HYDROCHLORIDE (Repealed)
790.7980 PYRILAMINE MALEATE (Repealed)
790.8015 QUINIDINE GLUCONATE (Repealed)
790.8020 QUINIDINE SULFATE (Repealed)
790.8030 QUININE SULFATE (Repealed)
790.8060 RESERPINE (Repealed)
790.8100 RIFAMPIN (Repealed)
790.8106 RITODRINE HYDROCHLORIDE (Repealed)
790.8136 SECOBARBITAL SODIUM (Repealed)
790.8140 SELENIUM SULFIDE (Repealed)
790.8180 SILVER SULFADIAZINE (Repealed)
790.8220 SODIUM AMINOSALICYLATE (Repealed)
790.8232 SODIUM CHLORIDE (Repealed)
790.8244 SODIUM LACTATE (Repealed)
790.8248 SODIUM NITROPRUSSIDE (Repealed)
790.8260 SODIUM POLYSTYRENE SULFONATE (Repealed)
790.8290 SOYBEAN OIL (Repealed)
790.8300 SPIRONOLACTONE (Repealed)
790.8340 STREPTOMYCIN SULFATE (Repealed)
790.8378 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE (Repealed)
790.8380 SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE; UREA (Repealed)
790.8420 SULFACETAMIDE SODIUM (Repealed)
790.8460 SULFADIAZINE (Repealed)
790.8500 SULFAMETHIZOLE (Repealed)
790.8540 SULFAMETHOXAZOLE (Repealed)
790.8580 SULFAMETHOXAZOLE; TRIMETHOPRIM (Repealed)
790.8590 SULFANILAMIDE (Repealed)
790.8620 SULFASALAZINE (Repealed)
790.8660 SULFINPYRAZONE (Repealed)
790.8700 SULFISOXAZOLE (Repealed)
790.8710 SULINDAC (Repealed)
790.8724 TEMAZEPAM (Repealed)
790.8727 TERBUTALINE SULFATE (Repealed)
790.8740 TESTOSTERONE CYPIONATE (Repealed)
790.8780 TESTOSTERONE ENANTHATE (Repealed)
790.8820 TESTOSTERONE PROPIONATE (Repealed)
790.8860 TETRACYCLINE (Repealed)
790.8900 TETRACYCLINE HYDROCHLORIDE (Repealed)
790.8940 THEOPHYLLINE (Repealed)
790.8980 THIAMINE HYDROCHLORIDE (Repealed)
790.9020 THIORIDAZINE HYDROCHLORIDE (Repealed)
790.9035 THIOTHIXENE (Repealed)
790.9045 THIOTHIXENE HYDROCHLORIDE (Repealed)

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790.9048 TIMOLOL MALEATE (Repealed)
790.9050 TOBRAMYCIN SULFATE (Repealed)
790.9056 TOLAZAMIDE (Repealed)
790.9060 TOLBUTAMIDE (Repealed)
790.9070 TOLMETIN SODIUM (Repealed)
790.9084 TRAZODONE HYDROCHLORIDE (Repealed)
790.9100 TRIAMCINOLONE ACETONIDE (Repealed)
790.9140 TRIFLUOPERAZINE HYDROCHLORIDE (Repealed)
790.9180 TRIHEXYPHENIDYL HYDROCHLORIDE (Repealed)
790.9220 TRIMEPRAZINE TARTRATE (Repealed)
790.9260 TRIMETHOGENZAMIDE HYDROCHLORIDE (Repealed)
790.9300 TRIMETHOPRIM (Repealed)
790.9320 TRIMIPRAMINE MALEATE Repealed
790.9340 TRIPELLENNAMINE HYDROCHLORIDE (Repealed)
790.9380 TRIPROLIDINE HYDROCHLORIDE (Repealed)
790.9420 TRISULFAPYRIMIDINE (Repealed)
790.9460 TROPICAMIDE (Repealed)
790.9475 VALPROATE SODIUM (Repealed)
790.9478 VALPROIC ACID (Repealed)
790.9486 VANCOMYCIN HYDROCHLORIDE (Repealed)
790.9500 VERAPAMIL HYDROCHLORIDE (Repealed)
790.9520 VINBLASTINE SULFATE (Repealed)
790.9530 VINCRISTINE SULFATE (Repealed)
790.9540 VITAMIN A (Repealed)
790.9580 VITAMIN A PALMITATE (Repealed)
790.9620 WATER FOR INJECTION, STERILE (Repealed)
790.9660 WATER FOR IRRIGATION, STERILE (Repealed)
790.9800 XYLOSE (Repealed)

AUTHORITY: Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/3.14] and Section 25 of the Pharmacy Practice Act [225 ILCS 85/5].

SOURCE: Emergency amendment at 2 Ill. Reg. 18, p. 47, effective April 26, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 26, p. 150, effective July 1, 1978; emergency amendment at 2 Ill. Reg. 40, p. 98, effective October 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 51, p. 48, effective December 18, 1978; emergency amendment at 3 Ill. Reg. 2, p. 18, effective December 31, 1978, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 15, p. 147, effective April 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 27, p. 113, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 32, p. 158, effective August 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 41, p. 178, effective October 8, 1979; emergency amendment at 4 Ill. Reg. 51, p. 147, effective December 12, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3466, effective March 25, 1981; amended at 5 Ill. Reg. 7107, effective June 24, 1981; amended at 5 Ill. Reg. 9120, effective October 1, 1981; amended at 5 Ill. Reg. 14605, effective February 1, 1982; amended at 6 Ill. Reg. 6750, effective July 1, 1982; amended at 6 Ill. Reg. 11558, effective

September 15, 1982; amended at 6 Ill. Reg. 15195, effective December 15, 1982; amended at 7 Ill. Reg. 7110, effective July 1, 1983; amended at 7 Ill. Reg. 13270, effective October 1, 1983; amended at 7 Ill. Reg. 16244, effective January 1, 1984; amended at 8 Ill. Reg. 2162, effective March 1, 1984; amended at 8 Ill. Reg. 8513, effective July 1, 1984; codified at 8 Ill. Reg. 13402; amended at 8 Ill. Reg. 22108, effective November 1, 1984; amended at 9 Ill. Reg. 4071, effective April 1, 1985; amended at 9 Ill. Reg. 6816, effective May 1, 1985; amended at 10 Ill. Reg. 253, effective January 1, 1986; amended at 10 Ill. Reg. 8814, effective May 15, 1986; amended at 11 Ill. Reg. 3565, effective February 23, 1987; amended at 11 Ill. Reg. 9223, effective May 15, 1987; amended at 11 Ill. Reg. 14382, effective August 15, 1987; amended at 12 Ill. Reg. 1823, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1984, effective January 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 7743, effective April 15, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 9153, effective May 13, 1988; amended at 12 Ill. Reg. 10133, effective May 31, 1988; emergency amendment at 12 Ill. Reg. 10745, effective June 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12846, effective July 29, 1988; emergency amendment at 12 Ill. Reg. 13255, effective August 5, 1988, for a maximum of 150 days; emergency expired January 2, 1989; amended at 12 Ill. Reg. 15101, effective September 16, 1988; emergency amendment at 12 Ill. Reg. 16937, effective October 7, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 856, effective January 6, 1989; emergency amendment at 13 Ill. Reg. 3108, effective February 28, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8890, effective May 26, 1989, and January 1, 1990; amended at 13 Ill. Reg. 11717, effective July 14, 1989; corrected at 13 Ill. Reg. 12909; emergency amendment at 13 Ill. Reg. 12990, effective August 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 14477; emergency amendment at 13 Ill. Reg. 17101, effective October 13, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19770, effective December 8, 1989; emergency amendment at 14 Ill. Reg. 1505, effective January 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 3184, effective February 16, 1990; emergency amendment at 14 Ill. Reg. 4620, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 8154, effective May 11, 1990; emergency amendment at 14 Ill. Reg. 9556, effective June 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 11988, effective July 13, 1990; emergency amendment at 14 Ill. Reg. 13325, effective August 10, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17298, effective October 5, 1990; emergency amendment at 14 Ill. Reg. 18588, effective November 9, 1990, for a maximum of 150 days; emergency expired April 8, 1991; amended at 14 Ill. Reg. 20755, effective December 21, 1990; emergency amendment at 15 Ill. Reg. 3537, effective March 8, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 6566, effective April 19, 1991; emergency amendment at 15 Ill. Reg. 11194, effective July 19, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11791, effective August 2, 1991; emergency amendment at 15 Ill. Reg. 16484, effective October 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18697, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 4899, effective March 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 5941, effective March 24, 1992; emergency amendment at 16 Ill. Reg. 8571, effective May 22, 1992, for a

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maximum of 150 days; amended at 16 Ill. Reg. 12913, effective August 10, 1992; amended at 16 Ill. Reg. 16019, effective September 30, 1992; emergency amendment at 16 Ill. Reg. 17781, effective November 9, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 7283, effective May 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15916, effective September 20, 1993; amended at 24 Ill. Reg. 13713, effective 11-1-94.

SUBPART A: GENERAL PROVISIONS

Section 790.10 Incorporated Materials

a) The following materials are incorporated by reference in this Part and include no later amendments or editions:

- 1) Section 314.1, Definitions for the Applications for FDA Approval to Market a New Drug, 21 CFR 314.3, April 1, 1999.
- 2) Section 320.1, Definitions for the Bioavailability and Bioequivalence Requirements, 21 CFR 320.1, April 1, 1999.
- b) Incorporations or references refer to the materials on the date specified and do not include later amendments or editions.
- c) Copies of incorporated or referenced materials are available for inspection and copying at the Department of Public Health, Office of Health Protection, Division of Food, Drugs and Dairies, Drug Product Selection Program, 525 West Jefferson Street, 2nd Floor, Springfield, Illinois 62761-0001.

(Source: Added at 24 Ill. Reg. 13713, effective _____)

Section 790.40 Consideration of Drug Products for Inclusion in the Illinois Formulary

a) Drug products for inclusion in the Illinois Formulary shall be approved and recommended to the Director--~~Illinois~~ Department of Public Health by a Technical Advisory Council according to the notice and hearing provisions of this Section. The Council is composed of 7 seven members, each of whom who has extensive experience in pharmaceutical affairs. Products for Council consideration shall be researched and presented by Department ~~Departmental~~ staff following consideration of recommendations by the federal ~~Federal~~ Food and Drug Administration (FDA), of recognized drug reference sources, of published research, and of qualified consultants.

b) No product shall be considered for inclusion in the Illinois Formulary unless each individual dosage form, dosage strength and manufacturer has been recommended for drug product selection use by the FDA. Each product considered must be verified by the FDA as being marketed under currently approved drug applications, as meeting required manufacturing standards and chemical identity standards, and as being cleared of any issues involving the bioequivalence or bioavailability

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of the product. Prior to being sanctioned for DPS use, the product must pass FDA criteria specific for DPS approval which criteria may be more stringent than that required for general marketing approval. "Bioequivalence" and "bioavailability" have the meanings prescribed under 21 CFR 320.1, April 1, 1999.

c) Generic Drug Products.

1) Drug products previously approved by the Technical Advisory Council for generic interchange may be substituted in the State of Illinois without further review subject to the conditions of approval in the State before September 1, 2000 (the effective date of Public Act 91-766) [Section 3.14 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/3.14]]. Drug products requiring approval by the Council on or after September 1, 2000, for generic interchange are subject to the notice and hearing provisions of this Section.

2) If not subject to a hearing under subsection (c)(5) or if not specifically prohibited, then generic drug products determined to be therapeutically equivalent by the FDA shall be available for substitution in this State no sooner than 60 days after the submission of the prescribed notification under subsection (d) to the Council. "Therapeutic equivalence" has the meaning prescribed under the current edition or supplement of the FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations", 21 CFR 314.3, April 1, 1999.

3) Manufacturers of the generic drug products shall submit to the Council the notification described in subsection (d) at least 60 days before the scheduled substitution of the drug product. During the 60-day notification period, the Council shall determine, based upon a preponderance of the evidence, whether the generic drug product has issues related to the practice of medicine or the practice of pharmacy.

4) If the Council determines that the generic drug product does not have issues related to the practice of medicine or pharmacy, then the Council shall issue its recommendation of approval of the generic drug product to the Director. If included on the Drug Products Selection Formulary by the Director under subsection (f), then the drug product may be substituted in the State after approval, or the date of the product's full approval for safety and efficacy by the FDA, whichever date is later.

5) If the Council determines that the generic drug product has issues related to the practice of medicine or pharmacy, then:

- A) a hearing on the drug product shall be held under subsection (e) at the Council's next regularly scheduled meeting;
- B) the Council's hearing determination shall be reviewed by the Director under subsection (f); and
- C) the drug product may not be substituted in the State unless included in the Drug Products Selection Formulary by the

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Director.

Products-in-generic-entities-(as-described-in-Section-790-100-of--this-part)--never-previously-reviewed-in-any-manner-shall-be-ineligible-for-consideration-at-Technical-Advisory-Council-meetings-if-the-products-FDA-approval-date-is-30-or-fewer-days-prior-to-the-scheduled-Technical-Advisory-Council-meeting---Such-entities--initial-review-shall-be-deferred-to-the-next-scheduled-technical-Advisory-Council-meeting-

- a) The 60-day notification shall be submitted in writing to the Technical Advisory Council at the following address:

Administrator, Drug Product Selection Program
Illinois Department of Public Health
Office of Health Protection
Division of Food, Drugs and Dairies
525 W. Jefferson Street
Springfield, Illinois 62761-0001

Manufacturers-of-products--in-generic-entities--never--previously-reviewed--in-any-manner--or-items-under-further-consideration-by-the-Technical-Advisory-Council--for-whatever-reason--shall-comply-with-the-following-criteria-to-be-allowed-to-address-the-Council:

- 1) The notification to the Council shall consist of 9 complete eight copies of all the following items:

- A) All testimony (plus one copy of the testimony that has individual identifying information redacted) and and-eight copies-of-any-and-all data upon which comment or reference to may be made, whether published or unpublished.
B) The drug product's technical bioequivalence and therapeutic equivalence information, including documentation of the required testing to support FDA product approval.
C) The information required in subsection (b).
shall-be-submitted--in-writing-to-the-following-address-no-later-than--50-calendar-days-prior-to-the-regularly-scheduled-quarterly-meeting-of-the-Technical-Advisory-Council-

Administrator, Drug Product Selection Program
Illinois Department of Public Health
Office of Health Protection
Division of Food, Drugs and Dairies
525 W. Jefferson Street
Springfield, Illinois 62761-0001

- 2) The Department shall notify all other manufacturers of products within a specific generic entity that a hearing will be held on the drug product petition-for-review-has-been-received-within-the-time-frame-specified-in-this-Section. The notification may be posted on the Department's Internet Website at www.idph.state.il.us. These Such manufacturers shall provide 90

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copies of all testimony (plus one copy of the testimony that has individual identifying information redacted) and 9 eight copies of any--and all data upon which comment or reference to may be made, whether published or unpublished, in writing to the Department within 30 days before of the regularly scheduled meeting should they wish to be heard make--presentation on the specific issue at the Council meeting. Nine Eight copies of any and all rebuttal comments from any concerned manufacturer shall be submitted in writing to the Department within 14 days after of the regularly scheduled meeting, should a company wish to respond to its competitor's submission.

- 3) Each--manufacturer--shall-be-limited-to-a-20-minute-presentation--respectively-of-their-number-of-speakers--Additional-time--shall-be-available--to-answer--specific-questions--of--the-Technical-Advisory-Council-members--if-necessary.

- e) The Director may designate an individual to conduct the hearing and make a recommendation to the Council on a generic drug product that has issues related to the practice of medicine or pharmacy. The Council shall make the final recommendation. Hearings shall be conducted according to the Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) under Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10]. Determinations shall be accompanied by a written detailed explanation of the decision's basis. The Council shall make its recommendation of approval or disapproval of the generic drug product to the Director within 20 business days after the public hearing. Failure--to--comply with--these--criteria--shall-result-in-the-exclusion-of-the-speaker(s) from-the-agenda.

- f) After the Council's recommendation for approval or disapproval of the drug product is submitted to the Director, the Director may approve or prohibit the drug product's inclusion in the Drug Products Selection Formulary. Only if the Director decides that, based upon a preponderance of the evidence, the generic drug is not bioequivalent, is not therapeutically equivalent, or could cause clinically significant harm to the health or safety of patients, may the Director prohibit the drug product from inclusion in the formulary. The Director's decision to prohibit a drug product from inclusion in the formulary shall be accompanied by a written detailed explanation of the decision's basis. Decisions under this subsection constitute a final administrative decision within the meaning of Section 22.2 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/22.2] and Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101] and are subject to judicial review under Article III of the Administrative Review Law [735 ILCS 5/Art. III].

- g) Exclusive indications and unique product packaging, whether patented or unpatented, do not constitute criteria for inclusion of a drug entity in the Illinois Formulary.

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(Source: Amended at 24 Ill. Reg. 11/13/00, effective

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:
100.2330 Amendment
100.2470 Amendment
100.5130 Amendment
100.9530 New Section
- 4) Statutory Authority: 35 ILCS 5/207
- 5) Effective Date of Amendments: December 11, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
100.2330, August 11, 2000; 24 Ill. Reg. 11778
100.2470, August 4, 2000; 24 Ill. Reg. 11582
100.5130, July 28, 2000; 24 Ill. Reg. 11188
100.9530, August 18, 2000; 24 Ill. Reg. 12445
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|------------------------------|
| 100.5040 | New Section | 11/03/00, 24 Ill. Reg. 16218 |
| 100.5250 | Amendment | 11/13/00, 24 Ill. Reg. 16555 |
| 100.9000 | Amendment | 11/13/00, 24 Ill. Reg. 16555 |
| 100.9100 | Amendment | 11/13/00, 24 Ill. Reg. 16555 |
| 100.9710 | New Section | 11/17/00, 24 Ill. Reg. 16957 |

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- 100.5130 Amendment 12/01/00, 24 Ill. Reg. 17496
- 15) **Summary and Purpose of amendments:** With regard to Section 100.2330, prior to the enactment of Public Act 91-541, Section 207 of the Illinois Income Tax Act permitted net losses to be carried over and deducted over the same period allowed for the carryover of net operating losses under Section 172(b) of the Internal Revenue Code. Prior to 1997, Section 172(b) generally permitted losses to be carried back to the 3 years preceding the loss year or forward to the 15 years following the loss year. For loss years beginning after August 6, 1997, Section 172(b) was amended to generally allow carrybacks of 2 years and carryforwards of 20 years. There are numerous special provisions in Section 172(b) before and after the amendment. Public Act 91-541 amended Section 207 for loss years ending on or after December 31, 1999, to provide that all losses may be carried back 2 years or carried forward 20 years. This rulemaking implements this amendment, provides guidance for the changes in federal laws, and provides guidance for small businesses which is lacking in the current rule.

With regard to Section 100.2470, Public Act 91-829 amended Section 16.5 of the State Treasurer Act [15 ILCS 505/16.5] to provide that a distribution from the College Savings Pool is exempt from Illinois income taxation to the extent the distribution is used for a qualifying expense, such as tuition or book fees. This rulemaking amends the income tax regulation on exempt income to include this new exclusion.

Section 100.5130 updates the provision for filing of composite Illinois income tax returns by partnerships and Subchapter S corporations on behalf of their partners and shareholders. The existing rule is amended to update the listing of addition and subtraction modifications allowed to partnerships and Subchapter S corporations in computing their Personal Property Tax Replacement Income Tax liabilities, but not to their partners and shareholders in computing the tax due on composite returns. This update includes the subtraction modification allowed to a Subchapter S corporation for the share of its income distributable to a shareholder subject to Personal Property Tax Replacement Income Tax, as enacted in Public Act 91-913. The rule is also amended to add statutory references for these addition and subtraction modifications, and to eliminate specific line references for these modifications to the Form IL-1065 Partnership Replacement Tax Return and the Form IL-1120-ST Small Business Corporation Replacement Tax Return, so that the rule need no longer be amended to correct these references whenever the forms are changed. Finally, the rule is amended to make express provision for Illinois resident partners and shareholders, who can be allowed to join in the filing of combined returns.

Section 100.9530 provides guidance to help taxpayers comply with the requirements of the IITA that they maintain books and records to support

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the items reported on their Illinois income tax returns and make such books and records available for inspection by the Illinois Department of Revenue.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section	
100.2200	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2210	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2220	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members
100.2230	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

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Section	
100.2240	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER
DECEMBER 31, 1986

Section	
100.2300	Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986
100.2310	Computation of the Illinois Net Loss Deduction
100.2320	Determination of the Amount of Illinois Net Loss Carryovers
100.2330	Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986
100.2340	Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350	Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,
CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section	
100.2470	Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480	Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section	
100.2580	Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590	Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

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100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)
100.3010 Business and Nonbusiness Income (IITA Section 301)
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section
100.3100 Compensation (IITA Section 302)
100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
100.3350 Property Factor (IITA Section 304)
100.3360 Payroll Factor (IITA Section 304)
100.3370 Sales Factor (IITA Section 304)
100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)

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100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credit for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section
100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year
100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)

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- 100.7090 Reciprocal Agreement (IITA Section 701)
 100.7095 Cross References
- SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING
- Section
 100.7100 Withholding Exemption (IITA Section 702)
 100.7110 Withholding Exemption Certificate (IITA Section 702)
 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)
- SUBPART S: INFORMATION STATEMENT
- Section
 100.7200 Reports for Employee (IITA Section 703)
- SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD
- Section
 100.7300 Returns of Income Withheld from Wages (IITA Section 704)
 100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
 100.7320 Time for Filing Returns (IITA Section 704)
 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- SUBPART U: COLLECTION AUTHORITY
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 100.9000 General Income Tax Procedures (IITA Section 901)
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 100.9200 Assessment (IITA Section 903)
 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)
- SUBPART X: DEFICIENCIES AND OVERPAYMENTS
- Section
 100.9300 Deficiencies and Overpayments (IITA Section 904)
 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA

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- Section 603)
 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)
- SUBPART Y: CREDITS AND REFUNDS
- Section
 100.9400 Credits and Refunds (IITA Section 909)
 100.9410 Limitations on Claims for Refund (IITA Section 911)
 100.9420 Recovery of Erroneous Refund (IITA Section 912)
- SUBPART Z: INVESTIGATIONS AND HEARINGS
- Section
 100.9500 Access to Books and Records (IITA Section 913)
 100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913) (Repealed)
 100.9510 Taxpayer Representation and Practice Requirements
 100.9520 Conduct of Investigations and Hearings
 100.9530 Books and Records
- SUBPART AA: JUDICIAL REVIEW
- Section
 100.9600 Administrative Review Law (IITA Section 1201)
- SUBPART BB: DEFINITIONS
- Section
 100.9700 Unitary Business Group Defined (IITA Section 1501)
- SUBPART CC: LETTER RULING PROCEDURES
- Section
 100.9800 Letter Ruling Procedures
- APPENDIX A Business Income Of Persons Other Than Residents
 TABLE A Example of Unitary Business Apportionment
 TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas
- AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].
- SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537,

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effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18734, effective _____.

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER DECEMBER 31, 1986

Section 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for

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Losses Occurring On or After December 31, 1986

- a) IITA Section 207(a) provides for carryover deductions of any losses that result after applying all of the modifications provided for in Section 203(b)(2), (c)(2) and (d)(2) and the allocation and apportionment provisions of Article 3 of the Act.
- b) Years to which Illinois net losses may be carried.
- 1) Years to which Illinois net losses may be carried. Under IITA Section 207(a)(2), an Illinois net loss incurred in a tax year ending on or after December 31, 1999, may be carried back to the two preceding tax years or carried forward to the 20 succeeding tax years. For tax years ending prior to December 31, 1999, IITA Section 207(a)(1) provides that a carryback or carryover deduction shall be allowed in the manner allowed under Section 172 of the Internal Revenue Code. The federal rules concerning the years to which a loss may be carried are contained in Section 172(b) of the Code and in Treas. Reg. Sec. 1.172-4(a)(1). These rules, as now in effect or hereafter amended, shall be followed for Illinois income tax purposes and shall apply to corporations, partnerships, trusts and estates. In general, for Illinois net losses incurred in tax years beginning prior to August 6, 1997, the net loss shall be carried back to the three preceding taxable years and shall be carried over to the 15 succeeding taxable years. For Illinois net losses incurred in tax years beginning on or after August 6, 1997 and ending prior to December 31, 1999, the loss may generally be carried back to the two preceding tax years and carried forward to the 20 succeeding tax years. In taxable years ending prior to December 31, 1999, special provisions applied to regulated transportation companies, financial institutions, product liability losses and other entities or situations, and the provisions in Section 172(b) of the Internal Revenue Code and the related Treasury Regulations relating to the years to which a loss incurred in one of those years may be carried shall be followed.
- 2) Specific rules for losses incurred in taxable years ending prior to December 31, 1999. IITA Section 207(a)(1) provides that, for any taxable year ending prior to December 31, 1999, such loss shall be allowed as a carryover or carryback deduction in the manner allowed under Section 172 of the Internal Revenue Code. Pursuant to this provision:
- A) For losses incurred in taxable years beginning prior to August 6, 1997, a loss generally would be carried back to each of the 3 taxable years preceding the taxable year in which the loss was incurred and to each of the 15 taxable years following the taxable year in which the loss was incurred. (From Section 172(b)(1)(A) of the Internal Revenue Code, as in effect prior to enactment of Public Law 105-34.)
- B) For losses incurred in taxable years beginning after August

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5, 1997, a loss generally would be carried back to each of the 2 taxable years preceding the taxable year in which the loss was incurred and to each of the 20 taxable years following the taxable year in which the loss was incurred. (From Section 172(b)(1)(A) of the Internal Revenue Code, as in effect after enactment of Public Law 105-34.)

c) Special carryover periods allowed under Section 172(b) of the Internal Revenue Code for specific kinds of losses or taxpayers also apply. For example:

- i) "Specified liability losses" may be carried back to each of the 10 taxable years preceding the taxable year in which the loss was incurred. (From Section 172(b)(1)(C) of the Internal Revenue Code.)
- ii) For losses incurred in taxable years beginning after December 31, 1986, and ending before January 1, 1994, bad debt losses of commercial banks may be carried back to each of the 10 taxable years preceding the taxable year in which the loss was incurred and to each of the 5 taxable years following the taxable year in which the loss was incurred. (From Section 172(b)(1)(D) of the Internal Revenue Code.)

3) Specific rules for losses incurred in taxable years ending on or after December 31, 1999. IITA Section 207(a)(2) provides that, for any taxable year ending on or after December 31, 1999, such loss shall be allowed as a carryback to each of the 2 taxable years preceding the taxable year of such loss and shall be a net operating carryover to each of the 20 taxable years following the taxable year of such loss.

c)b) Election to forgo carryback period:

1) IITA Section 207(a)(2)(A) allows the taxpayer to elect to relinquish the entire carryback period with respect to such loss. Such election shall be made on the taxpayer's return for the taxable year in which the loss is incurred and shall be made by the due date (including extensions of time) for filing of such return. If an election is made, the loss may be carried forward and deducted only in years subsequent to the taxable year in which the loss was incurred. Such election, once made, shall be irrevocable. Any taxpayer entitled to a net-loss carryback may elect to relinquish the entire carryback period with respect to a net-loss for any taxable year ending on or after December 31, 1986. Such election shall be made on the taxpayer's return for the taxable year of the net-loss and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net-loss. Such election, once made, for any taxable year, shall be irrevocable for that taxable year.

2) If such election is made on any return which is filed in accordance with Section 502(e) of the Illinois Income Tax Act,

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the election will be considered to be in effect for all eligible members of the return for the taxable year for which such election is made.

3) If the timely return for the taxable year reflects Illinois income and:

- A) a finalized federal change eliminates Illinois income thereby creating an Illinois net loss for the year, the taxpayer may make the election to relinquish the entire carryback period for the Illinois net loss on an amended return or form prescribed by the Department within the 120 day time period prescribed by Section 506(b) of the Illinois Income Tax Act, or
- B) an Illinois audit or other Illinois change eliminates Illinois income thereby creating an Illinois net loss for the year, the taxpayer may make the election to relinquish the entire carryback period for the Illinois net loss on forms prescribed by the Department at the time the loss is first reported to Illinois.

d) Portion of Illinois net loss which is a carryback or a carryover to the taxable year in issue. Pursuant to IITA Section 207(a)(2)(B), the entire amount of such loss shall be carried to the earliest taxable year to which such loss may be carried. The amount of such loss, which shall be carried to each of the other taxable years, shall be the excess, if any, of the amount of such loss over the sum of the deductions for carryback or carryover of such loss allowable for each of the prior taxable years to which such loss may be carried. An Illinois net-loss shall first be carried to the earliest of the several taxable years for which such loss is allowable and shall then be carried to the next earliest of such several taxable years, etc. The portion of the loss which shall be carried to any of such several taxable years subsequent to the earliest taxable year is the excess of such net-loss over the sum of the aggregate of the net-incomes for all of such several taxable years (without regard to Illinois net-loss deductions for such years) preceding such subsequent taxable year. This is illustrated in the following Example.

EXAMPLE: A taxpayer that makes its return on the calendar year basis has an Illinois net loss for 1986. Under the provisions of Section 172(b) of the Internal Revenue Code as in effect in that year, the entire net loss for 1986 may be carried back to 1983. The amount of the carryback to 1984 is the excess of the 1986 loss over the net income for 1983. The amount of the carryback to 1985 is the excess of the 1986 loss over the aggregate of the net incomes for 1983 and 1984. The amount of the carryover to 1987 is the excess of the 1986 loss over the aggregate of the net incomes for 1983, 1984, and 1985, etc.

e) Carryover of pre-12/31/86 loss and post-12/30/86 loss. Net operating losses incurred prior to December 31, 1986, can be carried over into years in which Illinois net losses (incurred on or after December 31,

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1986) are also carried. In such cases, the former losses will be treated as an adjustment to taxable income (i.e., before apportionment) while the latter will be a deduction in computing Illinois net income (i.e., after apportionment). This is illustrated in the following Example.

EXAMPLE: Corporation A is a calendar year taxpayer. It has no partnership income and no nonbusiness income. In 1985, it reported a federal net operating loss of \$1000, and on its Illinois return for 1986, it reported an Illinois net loss of \$50, neither of which could be carried back to prior years due to losses existing in those years. In 1987, A had federal taxable income (before special deductions) of \$200, and Illinois addition modifications of \$100. Corporation A would compute its Illinois net income in 1987 as follows: The \$1000 net operating loss from 1985 would offset the \$200 of 1987 federal taxable income and would offset the \$100 of 1987 Illinois addition modifications. In 1988, Corporation A would have remaining \$700 of net operating loss carryover from 1985 and \$50 of Illinois net loss carryover from 1986.

f) Special rules

1) IITA Section 207(b) provides that any loss determined under subsection (a) of this Section must be carried back or carried forward in the same manner for purposes of both the regular income tax imposed by IITA Section 201(a) and (b) and the personal property replacement income tax imposed under IITA Section 201(c) and (d).

2) For the carryforward of losses incurred prior to certain corporate or partnership reorganizations or acquisitions, see IITA Section 405.

3) IITA Section 207(a) provides that losses that may be carried over and deducted in other years are those losses that result after the modifications of IITA Section 203(b)(2), (c)(2) and (d)(2) are made, and after the allocation and apportionment rules of IITA Article 3 are applied. Accordingly:

A) No exemption allowed under IITA Section 204 shall be taken into account in computing a loss that may be carried over and deducted under IITA Section 207; and

B) No deduction for any loss carried over pursuant to IITA Section 207 may be taken into account in computing a loss that may be carried to and deducted in another taxable year under IITA Section 207.

4) Subchapter S corporations and partnerships

A) IITA Section 207(a) allows the carryover of losses that result after the modifications of IITA Section 203(b)(2) and (d)(2) are made. IITA Section 203(b) applies to Subchapter S corporations and IITA Section 203(d) applies to partnerships. Accordingly, IITA Section 207 allows Subchapter S corporations and partnerships carryover deductions for losses incurred.

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B) Neither IITA Section 207 nor Section 172 of the Internal Revenue Code distinguishes between Subchapter S corporations and corporations governed by Subchapter C of the Internal Revenue Code. Section 1363(b)(2) of the Internal Revenue Code provides that no net operating deduction allowable under Section 172 of the Internal Revenue Code shall be allowed in the computation of taxable income of a Subchapter S corporation and Section 1371(b) of the Internal Revenue Code prohibits any carryforward or carryback between a taxable year in which a corporation is a Subchapter S corporation and a taxable year in which it is not. Neither Section 1363 nor Section 1371 of the Internal Revenue Code is applicable to the carryover and deduction of losses under IITA Section 207. Accordingly, subject to the other provisions of this Section, a loss incurred in a taxable year in which a corporation is a Subchapter S corporation shall be carried to and deducted in any taxable year in which it is not a Subchapter S corporation in the same manner as if the corporation were a Subchapter S corporation in that year, and a loss incurred in a taxable year in which a corporation is not a Subchapter S corporation shall likewise be carried to and deducted in any taxable year in which it is a Subchapter S corporation. EXAMPLE: X Corporation is a Subchapter S corporation throughout the calendar year 1998. Effective for 1999, X Corporation's Subchapter S election is terminated. In 2000, X Corporation incurs an Illinois loss. Unless X Corporation elects to carry the loss forward only, the loss must first be carried back and deducted in 1998 and only the amount of loss in excess of 1998 taxable income may be carried to 1999 and subsequent years.

C)

Losses carried over pursuant to IITA Section 207 are deductible only under that Section, and that Section allows the deduction only of losses that result when the taxpayer's own taxable income is less than zero. Accordingly, no loss carried over and deducted by a partnership or Subchapter S corporation in a taxable year may reduce the taxable income of any partner or shareholder of the taxpayer in that taxable year.

(Source: Amended at 24 Ill. Reg. 137.00, effective

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties

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or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

a) In calculating base income, taxpayers are entitled to subtract an amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States; provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization (IITA 203(a)(2)(N)). There are also provisions of Illinois law that exempt the income of certain obligations of state and local governments from Illinois income taxation (see subsection (f), below).

b) Interest on obligations of the United States. A federal statute exempts stocks and obligations of the United States Government, as well as the interest on the obligation(s), from state income taxation (see 31 USCA 3124(a)).

1) "Obligations of the United States" are those obligations issued "to secure credit to carry on the necessary functions of government." Smith v. Davis (1944) 323 U.S. 111, 119, 89 L. Ed. 107, 113, 65 S. Ct. 157, 161. The exemption is aimed at protecting the "Borrowing" and "Supremacy" clauses of the Constitution. Society for Savings v. Bowers (1955) 349 U.S. 143, 144, 99 L. Ed. 2d 950, 955, 75 S. Ct. 607, 608. Hibernia v. City and County of San Francisco (1906) 200 U.S. 310, 313, 50 L. Ed. 495, 496, 26 S. Ct. 265, 266.

A) Tax-exempt credit instruments possess the following characteristics:

- i) they are written documents,
 - ii) they bear interest,
 - iii) they are binding promises by the United States to pay specified sums at specified dates, and
 - iv) they have congressional authorization which also pledges the faith and credit of the United States in support of the promise to pay. Smith v. Davis, supra.
- B) A governmental obligation that is secondary, indirect, or contingent, such as a guaranty of a nongovernmental obligor's primary obligation to pay the principal amount of and interest on a note, is not an obligation of the type exempted under 31 USC Section 3124(a). Rockford Life Ins. Co. v. Department of Revenue, 107 S. Ct. 2312 (1987).

2) Based on the above, the following types of income are exempt under 31 USCA Section 3124(a):

- A) Interest on U.S. Treasury bonds, notes, bills, certificates, and savings bonds.
- B) Income from GSA Public Building Trust Participation Certificates: First Series, Series A through E; Second

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Series, Series F; Third Series, Series G; Fourth Series H and I.

c) Income exempted by reason of other federal statutes. Federal statutes provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which each item relates:

- 1) Banks for Cooperatives - Income from notes, debentures, and other obligations issued by Banks for Cooperatives (12 USCA 2134).
- 2) Commodity Credit Corporation - Interest derived from bonds, notes, debentures, and other similar obligations issued by Commodity Credit Corporation (15 USCA 713a-5).
- 3) Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) - Income from notes, bonds, debentures, and other obligations issued by the Financial Assistance Corporation (12 USCA 2278b-10(b)).
- 4) Federal Deposit Insurance Corporation - Interest derived from notes, debentures, bonds, or other such obligations issued by Federal Deposit Insurance Corporation (12 USCA 1825).
- 5) Federal Farm Credit Banks - Income from consolidated system-wide notes, bonds, debentures, and other obligations issued jointly and severally under 12 USCA 2153 by Banks of the Federal Farm Credit System (12 USCA 2023; 12 USCA 207; 12 USCA 2098; and 12 USCA 2134).
- 6) Federal Home Loan Banks - Interest derived from notes, debentures, bonds, and other such obligations issued by Federal Home Loan Banks and from consolidated Federal Home Loan bonds and debentures (12 USCA 1433).
- 7) Federal Intermediate Credit Banks - Income from notes, debentures, bonds, and other obligations issued by Federal Intermediate Credit Banks (12 USCA 2079).
- 8) Federal Land Banks and Federal Land Bank Association - Income from notes, debentures, bonds, and other obligations issued by Federal Land Banks and Federal Land Bank Associations (12 USCA 2055).
- 9) Federal Savings and Loan Insurance Corporation - Interest derived from notes, bonds, debentures, and other such obligations issued by Federal Savings and Loan Insurance Corporation (12 USCA 1725(e)).
- 10) Financing Corporation (FICO) - Income from obligations issued by the Financing Corporation (12 USCA 1441(e)(8)).
- 11) General Insurance Fund
 - A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 USCA 1739(d)); or
 - B) Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 USCA 1747g(g)); or

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- C) Interest derived from Armed Services Housing Mortgage Insurance Debentures issued by the General Insurance Fund (12 USCA Section 1748b(f)).
- 12) Guam - Interest derived from bonds issued by the government of Guam (48 USCA 1423a). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 13) Mutual Mortgage Insurance Fund - Income from such debentures as are issued in exchange for property covered by mortgages insured after February 3, 1988 (12 USCA 1710(d)). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 14) National Credit Union Administration Central Liquidity Facility - Income from the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility (12 USCA 1795K(b)).
- 15) Production Credit Association - Income from notes, debentures, and other obligations issued by Production Credit Association (12 USCA 2098).
- 16) Puerto Rico - Interest derived from bonds issued by the Government of Puerto Rico (48 USCA 745). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 17) Railroad Retirement Act - Annuity and supplemental annuity payments as qualified under the Railroad Retirement Act of 1974 (45 USCA 231m). Please be sure to use the line specified on your Illinois return for this item.
- 18) Railroad Unemployment Insurance Act - Unemployment benefits paid pursuant to the Railroad Unemployment Insurance Act (45 USCA 352(e)).
- 19) Resolution Funding Corporation - Interest from obligations issued by the Resolution Funding Corporation (12 USCA 1441b(f)(7)(A)).
- 20) Special Food Service Program - Assistance to children under the Special Food Service Program (42 USCA 1760(e)).
- 21) Student Loan Marketing Association - Interest derived from obligations issued by the Student Loan Marketing Association (20 USCA 1087-2(h)(221)).
- 22) Tennessee Valley Authority - Interest derived from bonds issued by the Tennessee Valley Authority (16 USCA 831n-4(d)).
- 23) United States Postal Service - Interest derived from obligations issued by the United States Postal Service (39 USCA 2005(d)(4)).
- 24) Virgin Islands - Interest derived from bonds issued by the Government of the Virgin Islands (48 USCA 1574(b)(ii)(A)). This income is not presently included in income taxable federally. Under Illinois law, it must be added back to federal taxable

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- income and then claimed as a subtraction on an Illinois income tax return.
- d) Distributions from money market trusts (mutual funds). Taxpayers may subtract income received from any of the obligations listed in subsections (b) and (c) above, even if the obligations are owned indirectly through owning shares in a mutual fund.
- 1) If the fund invests exclusively in these state tax exempt obligations, the entire amount of the distribution (income) from the fund may be subtracted.
- 2) If the fund invests in both exempt and non-exempt obligations, the amount represented by the percentage of the distribution that the mutual fund identifies as exempt may be subtracted.
- 3) If the mutual fund does not identify an exempt amount or percentage, taxpayers may figure the subtraction by multiplying the distribution by the following fraction: as the numerator, the amount invested by the fund in state-exempt U.S. obligations; as the denominator, the fund's total investment. Use the year-end amounts to figure the fraction if the percentage ratio has remained constant throughout the year. If the percentage ratio has not remained constant, take the average of the ratios from the fund's quarterly financial reports.
- e) Getting a refund of tax you already paid. If you paid Illinois income tax on these state tax exempt distributions, you may file an amended return (IL-1040-X) to claim a refund for any year still within the statute of limitations.
- f) Interest on obligations of state and local governments. Income from state and local obligations is not exempt from Illinois income tax except where authorizing legislation adopted after August 1, 1969, specifically provides for an exemption. To date, authorizing legislation provides exemption for the income from the securities listed below. Taxpayers must show income from these exempt bonds as an addition and then as a subtraction on the Illinois income tax return. Income from these bonds is not exempt if the bonds are owned indirectly through owning shares in a mutual fund.
- 1) Notes and bonds issued by the Illinois Housing Development Authority (except housing-related commercial facilities notes and bonds) [20 ILCS 3805/31].
- 2) Bonds authorized pursuant to the Export Development Act of 1983 (former Ill. Rev. Stat. 1991, ch. 127, par. 2513, repealed by P.A. 87-860, effective July 1, 1992).
- 3) Bonds issued by the Illinois Development Finance Authority pursuant to Sections 7.50 - 7.61 (venture fund and infrastructure bonds) [20 ILCS 3505/7.61].
- 4) Bonds and notes issued by the Quad Cities Regional Economic Development Authority, if the Authority so determines [70 ILCS 510/11, 510/13, 515/11, and 515/12].
- 5) College Savings Bonds issued under the General Obligation Bond Act in accordance with the Baccalaureate Savings Act [110 ILCS

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- 920/71.
- 6) Bonds issued by the Illinois Sports Facilities Authority (White Sox Bonds) [70 ILCS 3205/15].
 - 7) Bonds issued on or after September 2, 1988, pursuant to the Higher Education Student Assistance Act [110 ILCS 947/145] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).
 - 8) Bonds issued by the Illinois Development Finance Authority under the Asbestos Abatement Finance Act [20 ILCS 3510/81].
 - 9) Bonds and notes issued under the Rural Bond Bank Act [30 ILCS 360/3-12].
 - 10) Income earned on investments made pursuant to the Home Ownership Made Easy Program [310 ILCS 55/5.1].
 - 11) Bonds issued pursuant to Sections 7.80 - 7.87 of the Illinois Development Finance Authority Act [20 ILCS 3505/7-86].
 - 12) Up to \$2,000 of income derived by individuals from investments made in accordance with College Savings Programs established under former Section 30-15.8a [105 ILCS 5/30-15.8a].
 - 13) Bonds issued by the Quad Cities Interstate Metropolitan Authority under the Quad Cities Interstate Metropolitan Authority Act [45 ILCS 35/110].
 - 14) Bonds issued by the Southwestern Illinois Development Authority pursuant to the Southwestern Illinois Development Authority Act [70 ILCS 520/7.5].
- g) Other income exempt from Illinois income taxation by reason of Illinois statute:
- 1) Income earned by certain trust accounts established under the Illinois Pre-Need Cemetery Sales Act [815 ILCS 390/16]. Section 16(f) of the Illinois Pre-Need Cemetery Sales Act provides that: *because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.*
 - 2) Income in the form of education loan repayments made for primary care physicians who agree to practice in designated shortage areas for a specified period of time under the terms of the Family Practice Residency Act [110 ILCS 935/4.10].
 - 3) Income earned by nuclear decommissioning trusts established pursuant to Section 8-508.1 of the Public Utilities Act [220 ILCS 5/8-508.1]. The terms "decommissioning trust" or "trust" means a fiduciary account in a bank or other financial institution established to hold the decommissioning funds provided pursuant to Section 8-508.1(b)(2) of the Public Utilities Act for the eventual purpose of paying decommissioning costs, which shall be separate from all other accounts and assets of the public utility establishing the trust. [220 ILCS 5/8-508.1(a)(3)]

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- 4) Income from the Illinois prepaid tuition program, other than disbursements to beneficiaries which are not used in accordance with the applicable prepaid tuition contract under the Illinois Prepaid Tuition Act [110 ILCS 979]. The Illinois prepaid tuition program was created in 1997 for the express purpose of allowing savings for higher education to earn tax-exempt returns under Section 529 of the Internal Revenue Code. If a prepaid tuition contract qualifies under Section 529, earnings on contributions made to the Illinois Prepaid Tuition Trust Fund under the contract are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the Illinois prepaid tuition program does not guarantee that every prepaid tuition contract will qualify under Section 529 and there is no guarantee that Section 529 will continue in effect. However, Section 55 of the Illinois Prepaid Tuition Act [110 ILCS 979/55] provides that assets of the Illinois Prepaid Tuition Trust Fund and its income and operation shall be exempt from all taxation by the State and that disbursements to a beneficiary shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for educational purposes in accordance with the provisions of an Illinois prepaid tuition contract. Under this provision, any undistributed earnings of the Illinois Prepaid Tuition Trust which are included in a taxpayer's federal taxable income or adjusted gross income because a prepaid tuition contract does not qualify under Section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used in accordance with the Illinois prepaid tuition contract under which the disbursements are made, regardless of whether the prepaid tuition contract qualifies under Section 529.
- 5) Income from the College Savings Pool, other than disbursements to beneficiaries that are not used to pay qualified expenses under the State Treasurer Act [15 ILCS 505/16.5]. Under the State Treasurer Act, distributions from the College Savings Pool must generally be used for qualified expenses, which are defined to mean tuition, fees, and the costs of books, supplies, and equipment required for enrollment or attendance at an eligible educational institution and certain room and board expenses. Distributions made for qualified expenses must be made directly to the eligible educational institution, directly to a vendor, or in the form of a check payable to both the beneficiary and the institution or vendor. The College Savings Pool was created in Public Act 91-607 for the express purpose of allowing savings for higher education to earn tax-exempt returns under Section 529 of the Internal Revenue Code. If an investment in the College Savings Pool qualifies under Section 529, earnings on that

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investment are exempt from federal income taxation (and therefore Illinois income taxation) until distributed. The legislative intent in creating the College Savings Pool does not guarantee that investments will qualify under Section 529 and there is no guarantee that Section 529 will continue in effect. However, the State Treasurer Act [15 ILCS 505/16.5], as amended in Public Act 91-829, provides that assets of the College Savings Pool and its income and operation shall be exempt from all taxation by the State and that disbursements to a beneficiary shall be similarly exempt from all taxation by the State of Illinois and any of its subdivisions, so long as they are used for qualified expenses. Under this provision, any undistributed earnings of the College Savings Pool that are included in a taxpayer's federal taxable income or adjusted gross income because a College Savings Pool investment does not qualify under Section 529 may be subtracted in computing the taxpayer's base income, and all disbursements included in a beneficiary's adjusted gross income may be subtracted to the extent used to pay qualified expenses, regardless of whether the College Savings Pool investment qualifies under Section 529.

h) Income not exempt from Illinois income taxation. The following types of income are not exempt from Illinois income taxation:

- 1) Income from securities commonly known as GNMA "Pass-Through Securities" and also known as GNMA "Mortgage-Backed Securities" issued by approved issuers under 12 USCA 1721(g) and guaranteed by GNMA under 12 USCA 1721(g) (Rockford Life Insurance Co. v. Department of Revenue, 112 Ill.2d 174, 492 N.E. 2d 1278 (1986), reh. den. June 2, 1986) and income from debentures, notes, and bonds issued by the Federal National Mortgage Association including mortgage-backed bonds issued under authority of 12 USCA 1719(d) and guaranteed by GNMA under 12 USCA 1721(g).
- 2) Accumulated interest on Internal Revenue Service tax refunds. Illinois Department of Revenue Letter Ruling No. 86-0640, dated July 11, 1986, citing Glidden Co. v. Glander, 151 Ohio St. 344, 86 N.E. 2d 1, 9 A.L.R. 2d 515 (1949).
- 3) Income from U.S. securities acquired by a taxpayer under a repurchase agreement ("repo") with a bank or similar financial organization. The Department takes the position that, for income tax purposes, such agreements are generally to be treated as loans. That is, the taxpayer "loans" money to the bank and receives interest in return. The securities subject to repurchase by the bank serve as collateral for the loan. The bank remains legally entitled to receive the interest payments from the issuing authority and remains the actual owner of the securities. Therefore, any tax benefit attributable to the "exempt" income paid by the issuing authority accrues to the bank and not to the investor.

i) Method for computing the subtraction of exempt income. The Department

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emphasizes that before a taxpayer may subtract an item of exempt income, the taxpayer must be sure that he or she has included the item in Illinois income. Some tax-exempt items are "automatically" included in base income because they are included in federal adjusted gross income, which is a part of base income. Interest on U.S. Treasury notes is in this category. Other exempt items must be included as an addition on the Illinois tax return in figuring base income. In other words, the taxpayer must list certain tax-exempt items as additions and then as subtractions in figuring base income. Interest on the state and local government bonds described in subsection (f) above is in this category.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART O: COMPOSITE RETURNS

Section 100.5130 Composite Returns: Required forms and computation of income

a) Composite Returns of Partners and Shareholders

- 1) Required form and information. Composite returns of shareholders and partners shall be filed using forms prescribed by the Department. The following information shall be attached to such composite returns: the name, address, social security number and amount of income apportionable and allocable to Illinois for each individual included in the composite return; and the computation of the proper amount of composite income reportable to Illinois.
- 2) Composite income. The amount of composite income apportionable and allocable to Illinois shall be the sum of the income earned or received for the taxable year from the authorized agent by the persons included in the composite return.

A) The in-the-case-of-nonresident-partners--their composite income of a partnership shall be computed by first computing the partnership's base income, and then including in composite income the entire partnership share of such base income of each resident partner joining in the composite return and the partnership share of the portion of such base income allocable to Illinois per Form IL-1065 of each nonresident partner joining in the composite return.

However, the base income of the partnership for this purpose shall be computed without regard to: the--addition modification--for--"Illinois--Replacement--tax--deducted--in arriving--at--"Base--i--(unmodified--Base--income)--the addition--modification--for--"guaranteed--payments--to partners--from--U.S.--Form--1065--"Base--"ig"--the--addition modification--for--"an--amount--equal--to--the--share--of--loss

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deductible to the partner is subject to the Illinois Replacement Tax, the subtraction modifications for the greater of the partner's service income or reasonable allowance paid or accrued to partners, and without regard to the subtraction modification for an amount equal to the distributive share of income of a partner if a partner is subject to the Illinois Replacement Tax, the subtraction modification for the enterprise zone or foreign trade zone/sub-zone dividends from Schedule 1299-A, and the subtraction modification for expenses incurred in producing certain federally tax-exempt income. The partnership's base income apportionable and allocable to Illinois will then be multiplied by the percentage of the total distributive share of partnership income belonging to the nonresident partners.

- i) the addition modification under Section 203(d)(2)(C) of the IITA for guaranteed payments to partners other than those partners included in the composite return;
- ii) the subtraction modification under Section 203(d)(2)(H) for personal service income or for a reasonable allowance for compensation paid or accrued to partners; or
- iii) the subtraction (or addition) modification under Section 203(d)(2)(I) of the IITA for the share of income (or loss) distributable to a partner subject to Personal Property Tax Replacement Income Tax.

The authorized agent shall pay income tax on the composite income that is attributable to the partners included in the composite return and Personal Property Tax Replacement Income Tax on the portion of the composite income which is attributable to trusts included in the composite return.

- B) The in-the-case-of-nonresident-shareholders-of-an-S corporation, their composite income of a Subchapter S corporation shall be computed by first computing the Subchapter S corporation's base income, and then including in composite income the entire share of such base income distributable to each resident shareholder joining in the composite return and the share of the portion of such base income allocable to Illinois per Form IL-1120-ST distributable to each nonresident shareholder. (Line 1 of Part II of the Subchapter S corporation's IL-1120-ST). However, the base income of the Subchapter S corporation for this purpose shall be computed without regard to the addition modification for Illinois Replacement Tax deducted in arriving at line 1 (unmodified base income) and the subtraction modification for enterprise zone or foreign trade zone/sub-zone dividends from

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Schedule 1299-A, the subtraction modification for enterprise zone contributions from Schedule 1299-A, the subtraction modification for enterprise zone or high impact business interest from Schedule 1299-A, and the subtraction modification for expenses incurred in producing certain federally tax-exempt income. The S corporation's base income apportionable and allocable to Illinois will then be multiplied by the percentage of the total S corporation income belonging to the nonresident shareholders.

- i) the subtraction modification under Section 203(b)(2)(G) of the IITA for amounts included in federal taxable income under Section 78 of the Internal Revenue Code;
- ii) the subtraction modification under Section 203(b)(2)(M) of the IITA for interest income from loans secured by property eligible for the Enterprise Zone Investment Credit;
- iii) the subtraction modification under Section 203(b)(2)(M-1) of the IITA for interest income from loans secured by property eligible for the High Impact Business Investment Credit;

the subtraction modification under Section 203(b)(2)(N) of the IITA for contributions to eligible Enterprise Zone projects;

- v) the subtraction modification under Section 203(b)(2)(O) of the IITA for dividends received from foreign corporations;

the subtraction modification under Section 203(b)(2)(P) of the IITA for contributions to job training projects; or

- vii) the subtraction modification under Section 203(b)(2)(S) for the share of income (or loss) distributable to a shareholder subject to Personal Property Tax Replacement Income Tax.

The authorized agent will pay income tax on the amount of such composite income distributable to shareholders included in the composite return and pay Personal Property Tax Replacement Income Tax on the amount distributable to trusts included in the composite return.

- b) Composite returns of individuals transacting an insurance business under a Lloyds plan of operation.
 - 1) Such composite returns shall be made on Form IL-1040.
 - 2) Such composite returns shall include an attachment computing the proper amount of composite income apportionable and allocable to Illinois as reported on the convention form annual statement filed with the Illinois Department of Insurance, which amount so computed will

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be multiplied by the Illinois tax rate for individuals (currently 2 1/2), and the amount so obtained will be entered on the IL-1040. The composite income shall be computed without regard to any net operating loss deductions.

- 3) The composite estimated tax vouchers (IL-1040-ES) and the composite returns shall be clearly marked "Composite Payment by Nonresident Individual Underwriters at Lloyd's, London" or "Composite Return by Nonresident Individual Underwriters at Lloyd's, London" in the top center of the voucher or return. The tax I.D. number on the voucher or return shall be left blank, and the payment or return shall be mailed to:

Document Perfection Section
Illinois Department of Revenue
Post Office Box 19014
Springfield, Illinois 62794-19014

- c) Standard exemption. The amount of composite income apportionable and allocable to Illinois shall not be reduced by the standard exemption (see Section 204(a) of the IITA).

(Source: Amended at: 24 Ill. Reg. 183.20, effective 1/1/88)

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section 100.9530 Books and Records

a) General Requirements

- 1) Every person liable for any tax imposed by the IITA shall keep books and records sufficient to substantiate all information reported on any income tax, withholding or information return required under the IITA.

- 2) The books or records required by this Section shall be kept at all times available for inspection by the Department or its duly authorized agents and employees, and shall be retained so long as the contents may become material in the administration of the IITA. Such books and records must be kept in the English language. If a person retains records required to be retained by this Part in both machine-sensible and hardcopy formats, the person shall, upon request, make the records available to the Department in machine-sensible format.

- 3) The Department may require any person, by notice served upon him, to make returns, render statements, or keep specific records as will enable the Department to determine whether such person is liable for tax under the IITA and the correct amount of the tax.

b) What Records Constitute Minimum Requirement

- 1) In General. The records required by this Part shall be kept

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accurately, but, unless otherwise required by the IITA, this Part or any tax form, no particular form must be maintained for keeping the records. These forms and systems of accounting shall be used to enable the Department to ascertain whether liability for tax is incurred and, if so, the amount of the liability. Every person who is required by this Part, instructions applicable to any tax form, or as otherwise required by the Department, to keep any copy of any return, schedule, statement, or other document shall keep the copy as a part of his records.

- 2) Records prepared by Automated Data Processing Systems (ADP). When an ADP accounting system is used to maintain all or part of a taxpayer's accounting or financial records, the ADP system must include a method of producing legible and readable records that will provide the necessary information for verifying tax liabilities. If a taxpayer retains records required to be retained by this Part in both machine-sensible and hardcopy formats, the taxpayer shall, upon request, make the records available to the Department in machine-sensible format in accordance with subsection (g)(2) of this Section. An ADP system must not be subject, in whole or in part, to any agreement (such as a contract or license) that would limit or restrict the Department's access to and use of the ADP system on the taxpayer's premises (or any other place where the ADP system is maintained), including personnel, hardware, software, files, indexes, and software documentation. ADP accounting systems encompass all types of data processing systems, stand-alone or networked microcomputer systems, Database Management Systems (DBMS) and systems using Electronic Data Interchange (EDI) technology.

c) Definitions

"Database Management System" or "DBMS" means a software system that creates, controls, relates, retrieves and provides accessibility to data stored in a database.

"Electronic Data Interchange" or "EDI technology" means the computer-to-computer exchange of business transactions in a standardized structured electronic format.

"Hardcopy" means any documents, records, reports, or other data printed on paper.

"Machine-sensible record" means a collection of related information in an electronic format. Machine-sensible records do not include hardcopy records that are created or recorded on paper or stored in or by an imaging system such as microfilm, microfiche or storage-only imaging systems.

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"Storage-only imaging systems" means a system of computer hardware and software that provides for the storage, retention and retrieval of documents originally created on paper. It does not include any system, or part of a system, that manipulates or processes any information or data contained on the document in any manner other than to reproduce the document in hardcopy or as an optical image.

d) Recordkeeping Requirements for Machine-Sensible Records

1) General Requirements

A) Machine-sensible records used to establish tax compliance shall be retained by the taxpayer in accordance with the requirements of this Section. The retained records shall provide sufficient information to establish matters required to be shown by a taxpayer in any tax or information returns. The machine-sensible records shall contain sufficient transaction-level detail information so that the details and the source documents underlying the machine-sensible records can be identified and made available to the Department upon request.

B) The retained records should reconcile to the books and the tax returns by establishing the relationship (i.e., audit trail) between the total of the amounts in the retained records to the totals in the books and to the tax returns.

C) The retained records must be capable of being processed. For purposes of this Section, "capable of being processed" means to be able to retrieve, manipulate, print hardcopy, or produce other output. This term does not encompass any requirement that the program or system that created the computer data be available to process the data unless the process is essential to a tax-related computation.

D) Taxpayers are not required to construct machine-sensible records other than those created in the ordinary course of business. A taxpayer who does not create the electronic equivalent of a traditional paper document in the ordinary course of business is not required to construct such a record for tax purposes.

E) Electronic Data Interchange (EDI)

i) Where a taxpayer uses EDI processes and technology, the level of record detail, in combination with other records related to the transaction, must be equivalent to the level of detail contained in an acceptable paper record.

ii) The taxpayer may capture the information necessary to satisfy subsection (d)(1)(E)(i) at any level within the accounting system and need not retain the original EDI transaction records, provided the audit trail, authenticity and integrity of the retained records can be established.

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2) Electronic Data Processing Systems Requirements. The requirements for an electronic data processing accounting system are similar to that of a manual accounting system, in that an adequately designed accounting system should incorporate methods and records that will satisfy the requirements of this Section.

e) Recordkeeping Requirements - ADP Systems Documentation

1) Upon the request of the Department, the taxpayer shall provide a description of the business process that created the retained records. The description shall include the relationship between the records and the tax documents prepared by the taxpayer and the measures employed to ensure the authenticity and integrity of the records.

2) The taxpayer shall be capable of demonstrating:

A) the functions being performed as they relate to the flow of data through the system;

B) the internal controls used to ensure accurate and reliable processing; and

C) the internal controls used to prevent the unauthorized addition, alteration or deletion of retained records.

3) The following specific documentation is required for machine-sensible records pursuant to this Section:

A) record formats and layouts;

B) field definitions (including the meaning of all "codes" used to represent information);

C) file descriptions (e.g., data set name); and

D) detailed charts of accounts and account descriptions.

4) Any changes to the items specified in subsection (e)(2), together with their effective dates, shall be documented and made available to the Department upon request.

f) Machine-Sensible Records Maintenance Requirements

1) The establishment of records management practices is solely at the discretion of the taxpayer, who ultimately bears the burden of producing records capable of being processed at the time of an examination by the Department. The Department recommends but does not require that taxpayers refer to the National Archives and Record Administration (NARA) standards for guidance on the maintenance and storage of electronic records. The NARA standards may be found at 36 CFR 1234, subpart C (1996).

2) In establishing records management practices, taxpayers should consider, for example, the labeling of records, the security of the storage environment, the creation of back-up copies and their storage location and the use of periodic testing to confirm the continued integrity of the records.

3) The taxpayer's computer hardware or software shall accommodate the processing of or the extraction and conversion of retained machine-sensible records.

g) Access to Machine-Sensible Records. The manner in which the Department is provided access to machine-sensible records as required by this

Part may be satisfied through a variety of means that shall take into account a taxpayer's facts and circumstances. Access will be provided in one or more of the following manners:

- 1) A taxpayer may provide the Department copies of the machine-sensible records for use on the Department's equipment;
- 2) The taxpayer may arrange to provide the Department with the hardware, software and personnel resources necessary to access and process the machine-sensible records;
- 3) The taxpayer may arrange for a third party to provide the hardware, software and personnel resources necessary to access and process the machine-sensible records;
- 4) The taxpayer may convert machine-sensible records to a standard record format specified by the Department on a magnetic medium that is agreed to by the Department. This may include conversion to a different medium (e.g., from mainframe files to microcomputer diskette). These records may be processed on the Department's equipment or at the taxpayer's location;
- 5) The taxpayer and the Department may agree on other means of providing access to the machine-sensible records.

h) Taxpayer Responsibility and Discretionary Authority

- 1) In discharging their responsibilities under this Section, taxpayers are empowered to determine which of their machine-sensible records must be retained and which records may be discarded. These determinations require a consideration of all the facts and circumstances, including whether duplicated or redundant records exist.

2) In general, taxpayers should retain the machine-sensible records that are the most direct evidence of the transactions, and have discretion to discard duplicated records and redundant information. In exercising this discretion, the taxpayer should generally retain those records that best facilitate the retrieval and processing of the data during an audit. For example, Departmental records stored in Departmental data files that are duplicated in a central system could be discarded provided that all required information in the Departmental records is contained in the central system and the requirements of this Section are met. Similarly, daily or weekly data files could be discarded if appropriate monthly, quarterly or annual data files with the ability to access appropriate transaction-level records are available.

- 3) In conjunction with meeting the requirements of this Section, a taxpayer may create files solely for the use of the Department. For example, if a database management system is used, it is consistent with this Section for the taxpayer to create and retain a file that contains the transaction-level detail from the database management system and that meets the requirements of this Section. The taxpayer should document the process that created the separate file to show the relationship between that

file and the original records.

- 4) A taxpayer may contract with a third party to provide custodial or management services of the records. The contract shall not relieve the taxpayer of its responsibilities under this Section.
- i) Alternative Storage Media. For purposes of storage and retention, taxpayers may convert hardcopy documents received or produced in the normal course of business and required to be retained under this Section to microfilm, microfiche or other storage-only imaging systems and may discard the original hardcopy documents, provided the conditions of this Section are met. These records are not a substitute for machine-sensible records (e.g., magnetic tapes, magnetic cartridges or magnetic disks) as defined in subsection (c). Documents that may be stored on these media include, but are not limited to: general books of account, journals, voucher registers, general and subsidiary ledgers and supporting records of details, such as sales invoices and purchase invoices. Microfilm, microfiche and other storage-only imaging systems shall meet the following requirements:

- 1) Documentation establishing the procedures for converting the hardcopy documents to microfilm, microfiche or other storage-only imaging systems must be maintained and made available on request. That documentation shall, at a minimum, contain sufficient description to allow an original document to be followed through the conversion system as well as internal procedures established for inspection and quality assurance.

- 2) Procedures must be established for the effective identification, processing, storage and preservation of the stored documents and for making them available for the periods they are required to be retained under this Section.

- 3) All data stored on microfilm, microfiche or other storage-only imaging systems must be maintained and arranged in a manner that permits the location of any particular record.

- 4) Microfiche, microfilm or other storage-only imaging systems records must be indexed, cross-referenced and labeled to show beginning and ending numbers or beginning and ending alphabetical listing of documents included, and must be systematically filed to permit the immediate location of any particular record. A posting reference must be on each document and a control log or catalog of the documents must be maintained.

- 5) Upon request of the Department, a taxpayer must provide facilities and equipment, in good working order, for reading, locating and reproducing any documents maintained on microfilm, microfiche or other storage-only imaging systems.

- 6) When displayed on such equipment or reproduced on paper, the documents must exhibit a high degree of legibility and readability. For this purpose, legibility is defined as the quality of a letter or numeral that enables the observer to identify it positively and quickly to the exclusion of all other letters or numerals. Readability is defined as the quality of a

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group of letters or numerals being recognized as words or complete numbers.

- 7) There must not be substantial evidence that the microfilm, microfiche or other storage-only imaging systems lack authenticity or integrity.

1) Effect on Hardcopy Recordkeeping Requirements

1) Hardcopy records may be retained on a recordkeeping medium provided in subsection (i).

- 2) If hardcopy records are not produced or received or required to be produced or received in the ordinary course of transacting business (i.e., when the taxpayer uses EDI technology), such hardcopy records need not be created.

3) Unless hardcopy records are required to be provided or received, hardcopy records generated at the time of a transaction need not be retained if all the details relating to the transaction are subsequently received by the taxpayer in an EDI transaction and are retained by the taxpayer in accordance with this Section.

- 4) Computer print-outs that are created for validation, control or other temporary purposes need not be retained.

5) Nothing in this Section shall prevent the Department from requesting hardcopy print-outs of retained machine-sensible records. These requests may be made either at the time of an examination or in conjunction with the evaluation described in subsection (k)(2)(G) of this Section.

k) Department Authorization to Destroy Records Sooner Than Would Otherwise Be Permissible

1) In all cases, the Department may, in writing, authorize the destruction of books and records and other papers prior to the expiration of the periods of time during which the taxpayer, except for the written authorization from the Department, is required to keep books and records. The Department may authorize destruction of records if the records are preserved in microfilm, microfiche, other storage-only imaging systems or an electronic data processing system and meet the conditions prescribed in this Section.

2) Record Retention Limitation Agreements

A) The Department may, at the request of the taxpayer, enter into a record retention limitation agreement with a taxpayer that may modify or waive any of the specific requirements of this Section. A taxpayer's request for an agreement must specify which records (if any) the taxpayer proposes not to retain and provide the reasons for not retaining those records as well as proposing any other terms of the requested agreement. The taxpayer shall remain subject to all the requirements of this Section that are not modified, waived or superseded by a duly approved record retention limitation agreement.

B) The Department may revoke or modify a record retention

limitation agreement or any provision of an agreement.

- C) The record retention limitation agreement shall specifically identify which of the taxpayer's records the Department has determined are not necessary for retention and which the taxpayer may discard. The agreement shall also clearly state each authorized variance, if any, from the normal provisions of this Section. The agreement shall also document other understandings reached with the Department, which may include, but not be limited to:

i) the conversion of files created on an obsolete computer system;

ii) restoration of lost or damaged files and the actions to be taken;

iii) use of taxpayer computer resources.

- D) The Department shall consider a taxpayer's request for a record retention limitation agreement and notify the taxpayer of the actions to be taken. The Department's decision to enter or not to enter into a record retention limitation agreement shall not relieve the taxpayer of the responsibility under this Section to keep adequate and complete records necessary to a determination of tax liability.

E) Unless otherwise specified, an agreement shall not apply to accounting and tax systems added subsequent to the effective date of the agreement. All machine-sensible records produced by a subsequently added accounting or tax system shall be retained by the taxpayer in accordance with this Section until a new agreement is entered into with the Department.

F) Unless otherwise specified, an agreement shall not apply to any subsidiary or other entity that, subsequent to the effective date of a record retention limitation agreement, is acquired by the taxpayer. All machine-sensible records produced by the acquired subsidiary shall be retained pursuant to this Section and any record retention limitation agreement that may have been in effect for the acquired subsidiary ("pre-acquisition agreement"). The provisions of the pre-acquisition agreement shall continue to apply to the acquired subsidiary until revoked or modified by the Department or a new agreement applying to the acquired subsidiary is entered.

G) To evaluate the propriety of a record retention limitation agreement, the Department may conduct an evaluation of the taxpayer's record retention practices. The evaluation may include a review of the taxpayer's relevant data processing and accounting systems, including systems using EDI technology.

- i) The Department shall notify the taxpayer of the results of any evaluation, including acceptance or

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rejection of any proposals made by the taxpayer (e.g., to discard certain records) or any changes considered necessary to bring the taxpayer's practices into compliance with this Section.
ii) The evaluation of a taxpayer's records retention practices is not directly related to the determination of tax reporting accuracy for a particular period or return, nor is the evaluation an "audit".

(Source: Added at 24 Ill. Reg. 111.43, effective)

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- 1) Heading of the Part: Oversize and Overweight Permit Movements on State Highways
- 2) Code Citation: 92 Ill. Adm. Code 554
- 3) Section Numbers: Adopted Action:
554.204 Amend
554.315 New Section
554.418 Amend
554.430 New Section
554.807 New Section
554.911 Amend
- 4) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]
- 5) Effective Date of Amendments: December 8, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13350
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Various grammatical and technical changes were made throughout the Part.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: At Section 554.204(e), the Department removed language that limits the movement of manufactured homes.
At Sections 554.315 and 554.430, the Department added Sections that define "Violation of Permit" and "Assigned Permitted Route."

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Section 554.315 assists the State Police in determining what is and is not a violation.

Section 554.430 allows a one mile access to obtain fuel, food and rest for the driver and allows the legal return to the permitted route when a vehicle mistakenly goes off the route.

At Section 554.807, Limited Continuous Operation Permits are available to enable tow trucks to remove over-weight disabled vehicles from State highways.

At Section 554.911, a revision has been made to allow for a higher minimum fee for the use of State Police escorts in the Chicago District.

16) Information and questions regarding this adopted amendment shall be directed to:

Mr. David Johnson, Maintenance Operations Engineer
Illinois Department of Transportation
Bureau of Operations
2300 South Dirksen Parkway, Room 009
Springfield, Illinois 62764
(217) 782-2984

The full text of the adopted amendments begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 554

OVERSIZE AND OVERWEIGHT PERMIT MOVEMENTS ON STATE HIGHWAYS

SUBPART A: GENERAL REGULATION

Section
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554.107
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554.110
554.111
554.112

Legal Authority
Partial Invalidity
Scope
When a Permit is Required
To Whom Permits are Issued
A Permit is a Legal Document
Penalties
Insurance
For-Hire Moves
Illinois Motor Vehicle Laws
General IDT Information
IDT Registration

SUBPART B: TYPES OF PERMITS

Section
554.201
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Permits for Single Trip Movements
Permits for Round Trips
Permits for Repeated Moves of Like Objects
Permits for Limited Continuous Operation
Permits for Repeated Moves Directly Across a Highway
Permits for the Movement of Overweight 2-Axle Truck Loaded With Sweet Corn, Soybeans, Corn, Wheat, Milo, or Other Small Grains and Ensilage
Permits for the Movement of Construction Equipment within a Construction Zone
Supplemental Permits
Scope: Duty of Permittee to Read Permit Upon Receipt
Extension of Permits
Revision of Permits
Fraudulent Permit

SUBPART C: ISSUANCE OF PERMITS

Section
554.301
554.302
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554.304

Transmission Media
Original Transmission Only is Valid as Permit (Repealed)
When Permits Are Issued
Permit Office

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554.305	District Offices
554.306	Method of Application
554.307	Data Needed on Application
554.308	Responsibilities of the Department in Analysis of Applications
554.309	Preliminary Application for Estimating Purposes for Proposed Moves
554.310	Procedure Following Arrest for Violation
554.311	Subsequent Permits Following a Violation
554.312	Permits for Moves Over Toll Highways
554.313	Permits for Moves Over Local Roads
554.314	Moves Upon Structures Located on a Local Street or Highway Spanning an Interstate or Controlled Access Highway
554.315	Definition of Violation of Permit

SUBPART D: GENERAL CONDITIONS AND PROVISIONS

Section	Conditions and Restrictions
554.401	Short Form Permits
554.402	Form BT 993
554.403	When Flagmen are Required (Repealed)
554.404	Qualifications for Flagmen (Repealed)
554.405	Duty of Flagmen (Repealed)
554.406	When Escort Vehicles Are Required
554.407	Requirements for Civilian Escorts
554.408	Manufactured Homes
554.409	Overdimension
554.410	Overweight Moves
554.411	Axle Suspension for Legal Weight Moves
554.412	Axle Suspension for Overweight Moves
554.413	Buildings
554.414	Farm Tractors Prohibited as Towing Vehicle
554.415	Double-Bottom Units
554.416	Flags
554.417	Rotating or Flashing Amber Lights
554.418	Oversize Load Signs
554.419	General Speed Limits for Permit Movements
554.420	Moves in Convoys Prohibited
554.421	When Moves May be Made
554.422	Moves Over Posted Load Roads and Bridges
554.423	Time Limits
554.424	Deviation from Authorized Routes
554.425	Permit Must be Carried with the Move
554.426	Closure of Highway for Permit Movement
554.427	Right-of-Way During Movement
554.428	Legal Height Movements
554.429	Assigned Permitted Route

SUBPART E: OVERDIMENSION VEHICLES AND LOADS

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Section	Scope
554.501	Legal Dimensions
554.502	Exceptions to Legal Limitations
554.503	Overwidth up to 14 Feet 6 Inches Wide
554.504	Width Exceeding 14 Feet 6 Inches
554.505	Horizontal Clearances
554.506	Overlength
554.507	Overheight
554.508	Maximum Size Manufactured Home, Modular Home, or Oversize Storage Building
554.509	Manufactured Home Frames
554.510	Buildings
554.511	Size of Building that may be Moved
554.512	Distances Buildings may be Moved
554.513	When Work is Required on Highway
554.514	Overhead Clearances
554.515	Routes upon Which Buildings may be Moved
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554.517	Building Sections
554.518	

SUBPART F: OVERWEIGHT VEHICLES AND LOADS

Section	Scope
554.601	Legal Weights
554.602	Exceptions to Legal Weights
554.603	Practical Maximum Weights
554.604	Moves in Excess of Practical Maximums
554.605	Maximum Weight on Chicago Expressways
554.606	Movement to a Designated Scale
554.607	Status of Permittee While Enroute to the Scale
554.608	Movement of Off-Road Overweight Equipment
554.609	Movement of Exceptionally Large Equipment
554.610	

SUBPART G: SPECIFIC POLICIES INDUSTRIAL HIGHWAY CROSSING

Section	Scope
554.701	Data Required
554.702	Changes in Traffic Conditions
554.703	Aircraft
554.704	Disabled Vehicles
554.705	Implements of Husbandry
554.706	Road Testing of Vehicles or Equipment
554.707	Secret Files
554.708	Government Moves by Commercial Carriers
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SUBPART H: EMERGENCIES AND HAZARDOUS MATERIALS

Section	General
554.801	Manufactured Home Emergency Moves
554.802	Railroad Derailment Emergency Moves
554.803	Radioactive Materials
554.804	Toxic, Gaseous, and Highly Explosive Materials
554.805	Livestock
554.806	Disabled Vehicles
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SUBPART I: FEES

Section	Remittance
554.901	Exemptions to the Requirement of Payment of Fees
554.902	Bonded Charge Accounts
554.903	Refunds
554.904	Security Requirements
554.905	Basis for Fees
554.906	Supplemental Permit Fees
554.907	Service Charge for Special Handling
554.908	Fees for Buildings and Special Moves
554.909	Fee for Engineering Inspections and Investigations
554.910	Fees for Illinois State Police Escorts
554.911	Special Categories of Fees (Repealed)
554.912	Other Overweight Fees (Repealed)
554.913	Fees for Round Trip and Repeat Move of Like Object Permits (Repealed)
554.914	Fee Schedules (Tables 1, 2, and 3) (Repealed)
554.915	

APPENDIX A	Data Relative to Vehicles Authorized to Operate on Illinois Highways (Repealed)
APPENDIX B	Legal Gross Weights of Vehicles and Combinations of Vehicles Authorized by Section 15-111, Illinois Vehicle Code (Repealed)
APPENDIX C	Application Form BT 1928 (Repealed)
APPENDIX D	Special Vehicle Movement Permit - Form BT 993 (Repealed)
APPENDIX E	Form BT 750 (Repealed)
APPENDIX F	Form BT 751 (Repealed)
APPENDIX G	Application for Establishment of an Open Account with the Permit Section, Bureau of Traffic (Form BT 1932) (Repealed)
APPENDIX H	Bond for Payment of Special Permit Fees and Charges to Illinois Department of Transportation for Movement of Vehicles of Excess Dimensions or Weight Over Illinois Highways (Form BT 1931) (Repealed)

AUTHORITY: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III].

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SOURCE: Emergency rules adopted at 4 Ill. Reg. 2, p. 256, effective January 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 24, p. 586, effective May 29, 1980; codified at 7 Ill. Reg. 9672; amended at 11 Ill. Reg. 3248, effective February 3, 1987; amended at 12 Ill. Reg. 13232, effective July 29, 1988; amended at 20 Ill. Reg. 2565, effective January 25, 1996; amended at 21 Ill. Reg. 2682, effective February 10, 1997; amended at 23 Ill. Reg. 706, effective December 30, 1998; amended at 24 Ill. Reg. 1111, effective January 1, 1999.

SUBPART B: TYPES OF PERMITS

Section 554.204 Permits for Limited Continuous Operation

Permits for limited continuous operation are available for the movement of overdimension legal weight pieces of construction equipment, manufactured mobile homes, storage buildings or trusses. These permits are valid for a period of three months or one year except as otherwise indicated. The following items are pertinent:

- a) Limited Continuous Operation Permits may be issued for the movement of overdimension construction equipment or vehicles, provided:
 - 1) The movement will consist of a specific vehicle, a designated piece of construction equipment, or a "like" load. The vehicle or load may be moved on a specific vehicle, under its own power, or on an IDP registered vehicle combination. A "like" load must be the same as the load described in the permit, including make and model. In order to minimize trips and conserve fuel, a permittee may haul, along with the designated object or "like" load, an additional legal size object, provided it is loaded within the legal width, height, and length dimensions and the axle and gross weights are legal;
 - 2) The vehicle or combination of vehicles is properly licensed if plates are required; and
 - 3) The overall width does not exceed 12 feet.
- b) A permit may be obtained to move an overdimension empty vehicle that is normally used to haul oversize or overweight permit loads. Such permits are needed when returning empty after having delivered an oversize or overweight piece of equipment. In order to minimize trips and conserve fuel, the permittee may, instead of returning empty, haul a legal size object with this permit, provided the axle and gross weights are legal and the object is loaded to conform to the legal width, height, and length limits.
- c) Limited Continuous Operation Permits permits for the movement of manufactured mobile homes or modular sections may be issued, provided:
 - 1) The overall width does not exceed 16 1/2 feet and height of 15 feet;
 - 2) The overall length of manufactured mobile home and towing vehicle does not exceed 115 85 feet;

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3) The applicant is a dealer licensed by the Secretary of State of Illinois or by another state to do business as a manufacturer of mobile home dealer; a hauler having an Illinois Commerce Commission permit; a hauler having an Interstate Commerce Commission permit; a manufacturer of mobile home manufacturer; or a Federal, State, or local governmental agency.

d) Limited Continuous Operation Permits may be issued for highway construction, transportation, utility, and maintenance equipment owned and operated by a local governmental authority for a period of one year.

e) Limited Continuous Operation Permits may be issued for mobile homes, modular sections, or storage buildings up to 16 feet wide, these permits will also be issued up to a height of 15 feet 6 inches and length up to 99 feet 6 inches. Movement under authority of these permits is greater than 12 feet wide and/or 14 feet 6 inches high is limited to a radius of 100 highway miles from the origin.

ef) Limited Continuous Operation Permits may be issued for trusses up to 14 feet wide and 115 feet long.

f) Limited Continuous Operation Permits may be issued for homogenous oversize items of any nature provided:

- 1) The overall width does not exceed 12 feet.
- 2) The overall length does not exceed 115 feet.
- 3) The overall height does not exceed 14 feet 6 inches.

(Source: Amended at 24 Ill. Reg. 18705, effective DEC 08 2000)

SUBPART C: ISSUANCE OF PERMITS

Section 554.315 Definition of Violation of Permit

a) When operating under authority of an oversize/overweight permit issued by the Illinois Department of Transportation, the following list of offenses shall be considered a violation of permit but will not render the entire permit null and void:

- 1) Incorrect license number or state;
- 2) Incorrect make, model, description or serial number;
- 3) Incorrect number of axles;
- 4) Gross, tandem or single axle weights that are in excess of those permitted. In this case, the violator may be fined for the excess weight in addition to the violation of permit;
- 5) Incorrect width, length, and/or height of the permit load;
- 6) Failure to comply with the general conditions, specific provisions, and notes listed on the permit;
- 7) Movement of the permit load within one day before or one day after the effective or expiration dates.

b) This list is not comprehensive, but reflects the most prevalent instances of violation of permit. Under a violation of permit, the

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permittee must either bring the permit load into conformance with the conditions of the permit or purchase a new permit before continuing.

(Source: Added at 24 Ill. Reg. 18705, effective DEC 08 2000)

SUBPART D: GENERAL CONDITIONS AND PROVISIONS

Section 554.418 Rotating or Flashing Amber Lights

a) Rotating or flashing amber lights mounted on top of the vehicle, and on the rear of the load, if necessary shall be in operation during the movement of all oversize and/or overweight permit loads and shall have sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight. The lights may augment, but not supersede, flagmen or escorts. The rotating or flashing amber lights must be clearly visible to traffic approaching from the front and the rear of the transport vehicles for at least 500 feet. Emergency moves at night, if authorized, shall also display rotating or flashing amber lights. (See 625 ILCS 5/12-215(b)(5).)

b) Vehicles transporting objects over 80 feet in length shall be equipped with two rotating or flashing amber lights: one over the cab of the vehicle; the other within 10 feet of the rear of the object, mounted as high as practical over it.

(Source: Amended at 24 Ill. Reg. 18705, effective DEC 08 2000)

Section 554.430 Assigned Permitted Route

The assigned permit route includes a distance of one mile onto another contiguous state jurisdiction highway provided that no structures are crossed, no posted weight limits are exceeded, overdimensional moves are not obstructed, all other provisions of the permit are followed and the route is used for any of the following reasons:

- a) To obtain fuel or repair;
- b) To provide for food or rest for the driver;
- c) To allow for the legal return to a permitted route after mistakenly going off route;
- d) To comply with regulatory signs to weigh.

(Source: Added at 24 Ill. Reg. 18705, effective DEC 08 2000)

SUBPART H: EMERGENCIES AND HAZARDOUS MATERIALS

Section 554.807 Disabled Vehicles

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Limited Continuous Operation Permits are available to remove disabled vehicles from the point of disablement on Illinois highways to a site not exceeding 50 miles from that initial hook-up point. No single rear axle shall exceed 26,000 pounds and no tandem rear axle shall exceed 50,000 pounds. (See 625 ILCS 5/15-301(n).)

(Source: Added at 24 Ill. Reg. 1874.6, effective 11/10/2000)

SUBPART I: FEES

Section 554.911 Fees for Illinois State Police Escorts

The following fees for the use of Illinois State Police escorts shall be paid by the applicant to the Permit Office: \$40 per hour per vehicle, based upon preestimated time of movement to be agreed upon between the Department and applicant. Adjustments in the fee may be made for any overcharges after all aspects of the move are completed. Minimum fee, \$80 per vehicle. Minimum fee, \$160 per vehicle Chicago District only.

(Source: Amended at 24 Ill. Reg. 1874.6, effective 11/10/2000)

- 4) Statutory Authority: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

- 5) Effective Date of Amendments: December 7, 2000

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by

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reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: August 25, 2000, 24 Ill. Reg. 12856

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:

JCAR recommended that the Department send future procurement related rulemaking proposals to the Procurement Policy Board contemporaneously with First Notice publications of such proposals and the Department agreed to do so.

Various grammatical and technical changes were made throughout the Part.

At Section 650.70, the Department added after "waived", "or additional responsibility factors may be established".

The Department deleted the following from Section 650.70:

"b) The Department may advertise in the Transportation Bulletin additional responsibility factors or amended prequalification requirements tailored to the specific contract to be procured or type of work to be performed."

At Section 650.310(d), the Department revised the second sentence to read as follows:

"d) The Prequalification Section will grant such a request provided the contractor's existing contracts with the Department are not behind the approved contract progress schedules and provided the most recent performance evaluation rating is not less than the 6.0 in the performance factor calculation."

At Section 650.330(c), the Department, after the word "conditions", added ", must not be behind the approved contract progress schedule on any current contract,".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?
No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This Part is the primary means by which the Department of Transportation determines the responsibility of bidders on competitively bid contracts to undertake and complete the work to be accomplished. By this rulemaking, the Department has amended Part 650 to clarify and revise existing provisions in order to strengthen the review process and the assessments made. Among the significant changes:

At Section 650.30(g), out-of-state prequalified contractors are required to staff and maintain an office located within Illinois as the principal office for contact and business with the Department.

At Section 650.110(c), the rule is amended to make clear that denial or revocation of prequalification applies to related companies that have the same ownership, management or control as the denied or revoked firm in order to avoid circumvention attempts.

At Section 650.140, ratings transfer between companies is abolished, and instead, at Section 650.190(e), related companies may be prequalified with financial ratings based upon the financial assets of the group of companies provided that the operational roles of the related companies are consistent with the work ratings sought.

At Section 650.200, the pledging of assets is abolished as a means of increasing the financial rating of a company. Pledged assets are not always readily available for performance of contracts. At Section 650.240(d), (e) and (f), the calculation of the work rating performance factor is more clearly described. Additionally, the threshold for denial or revocation based upon poor performance is strengthened to allow action if a performance evaluation of less than 4 is received in one year, or if less than 6 for two years.

At Section 650.260, equipment pledges are abolished as a means of establishing equipment possession for work ratings. Enhanced possession requirements better insure availability of equipment supporting a work rating.

At Sections 650.310 and 330, financial rating levels controlling affidavit submission and unrestricted bid authorization are increased. Work rating levels controlling affidavit submission and unrestricted bid authorizations are being increased. The increases require more contractors to submit information regarding work in progress. A new Subpart C titled Subcontractor Registration is added to implement a registration process for subcontractors.

16) Information and questions regarding this adopted amendment shall be directed to:

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Mr. Mike Renner, Engineer, Prequalification Section
 Illinois Department of Transportation
 Division of Highways
 2300 South Dirksen Parkway, Room 322
 Springfield, Illinois 62764
 (217) 782-3413

The full text of the adopted amendments begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
 CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 650

PREQUALIFICATION OF CONTRACTORS AND
 ISSUANCE OF PLANS AND PROPOSALS

SUBPART A: PREQUALIFICATION

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650.20	Definitions	
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SUBPART B: ISSUANCE OF PLANS AND PROPOSALS

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650.290	Advertising for Bids
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650.320 Analyzing Requests for Authorization to Bid
650.330 Issuance of Authorization to Bid
650.340 Joint Ventures
650.350 Denial of Authorization to Bid

SUBPART C: SUBCONTRACTOR REGISTRATION

Section
650.360 Purpose
650.370 Registration of Subcontractors
350.380 Eligibility to Quote or Perform Subcontract Work

APPENDIX A AVAILABLE WORK CATEGORIES
APPENDIX B REQUEST FOR EXTENSION OF PREQUALIFICATION RATINGS
APPENDIX C FINANCIAL PLEDGE LETTERS (Repealed)
APPENDIX D FINANCIAL VERIFICATION LETTER
APPENDIX E CORPORATE RESOLUTION (Repealed)

AUTHORITY: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

SOURCE: Adopted at 18 Ill. Reg. 9478, effective July 2, 1994; amended at 21 Ill. Reg. 11238, effective July 29, 1997; amended at 22 Ill. Reg. 20393, effective November 4, 1998; amended at 24 Ill. Reg. 18780, effective

SUBPART A: PREQUALIFICATION

Section 650.20 Definitions

"Affidavit of Availability" - A sworn affidavit indicating all work under contract, pending awards, all subcontracts and value of subcontracts.

"Affiliate" - A member of a group of two or more companies related to one another through common ownership, common management, common control or the power to exercise common control. Two corporations are affiliated when one owns less than a majority of the voting stock of the other, or when both are subsidiaries of a third corporation.

"Applicant" - Any prospective contractor who has applied for prequalification in compliance with the procedures delineated in this Part. "Applicant" may be used interchangeably with "Contractor" throughout this Part.

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"Application for Prequalification" - A package of forms titled "Contractor's Statement of Experience and Financial Condition" (Form BC-8) required to be submitted by an applicant in support of its request for a determination of responsibility and a prequalification rating.

"Authorization to Bid" - The permission given to a contractor to submit a bid on a given Department letting item and the permission to have that bid read.

"Available Bidding Capacity" - The applicable available work ratings and the available financial rating.

"Available Financial Rating" - Financial rating as indicated on the Certificate of Eligibility less the total value of all uncompleted work to be done with the applicant's own forces and work subcontracted to others.

"Available Work Rating" - The work rating in a particular category as indicated on the Certificate of Eligibility less all similar uncompleted work to be done with the applicant's own forces (for a listing of available work categories, see Appendix A of this Part).

"Certificate of Appraiser" - The certification by an appraiser that the appraisal is performed with no direct or indirect interest, financial or otherwise, in the business of the applicant.

"Certificate of Eligibility" - A certificate issued to the applicant by the Department indicating the applicant's financial rating, work ratings and the effective period of prequalification.

"Code" - The Illinois Procurement Code [30 ILCS 500].

"Combining Combined Financial Statement" - A comprehensive financial statement that presents the assets, liabilities, net worth, and operating figures of two or more affiliated companies. The statement presents each affiliate's financial data in separate, adjacent columns and a total column for the combined affiliate data. The accounting data--of--affiliated--companies--combined--to--form--a--single-economic entity.

"Consolidated Financial Statement" - A financial statement that presents the assets, liabilities, and operating accounts of a parent company and its subsidiaries. The--accounting--data--of--parent--and subsidiary--companies--combined--to--form--a--single-economic--entity.

"Contract" - The written agreement between the Department and the contractor setting forth the obligations of the parties thereunder,

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including, but not limited to, the performance of the work, the furnishing of labor and materials, and the basis of payment. The contract consists of the invitation for bids, the proposal, the letter of award, the contract form and contract bond, any specifications and supplemental specifications, any special provisions, any general and detailed plans, and all agreements that are required to complete the construction of the work, including contract time - all of which constitute one instrument.

"Contractor" - The individual, partnership, or corporation or other business entity recognized by law contracting with the Department for performance of prescribed work. An applicant which has been issued a Certificate of Eligibility. "Contractor" may be used interchangeably with "Applicant" throughout this part.

"Department" - The Illinois Department of Transportation.

"Department of Human Rights Identification Number" - A number assigned to an applicant who has prequalified with the Department of Human Rights.

"Director" - The Director of the Division of Highways or the Director's designee.

"District Engineer" - The engineer in charge of one of the nine districts of the Department in which the work of a contract is located.

"Engineer of Construction" - The individual responsible for directing the development of the Department's highway construction policies which assure uniform practices, interpretation and applications in Illinois.

"Financial Rating" - The measured ability of an applicant to sustain adequate cash flow for the duration of an awarded contract based on the submitted application for prequalification.

"Financial Statement" - A presentation of financial data, including accompanying notes, derived from accounting records that are intended to show an applicant's economic resources and obligations at a point in time or the changes therein for a period of time in conformity with a comprehensive basis of accounting A--complete--report--of--the applicant's financial status set forth on a balance sheet displaying the applicant's assets, liabilities and net worth.

"Joint Venture" - Two or three contractors combining their available financial and work ratings for the purpose of bidding a construction project.

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"Letter of Subordination" - A signed statement from a stockholder, officer, director, employee, parent, subsidiary or affiliate agreeing not to withdraw a specific amount of money loaned to the applicant during the period of prequalification.

"Net Worth" - Total assets minus total liabilities.

"Official Newspaper" - The one designated as such by the Department of Central Management Services.

"Parent" - A corporation that owns or controls subsidiary companies through the ownership of voting stock. A parent corporation is usually an operating company in its own right. Where the parent has no business of its own, the term "holding company" may apply. A corporation that owns more than half of the stock of another corporation.

"Prequalification" - The rating process established by the Department which requires all prospective bidders to obtain a Certificate of Eligibility prior to being considered for issuance of bidding proposal forms and plans for any contract awarded by the Department, as well as contracts awarded by local agencies requiring approval of award by the Department.

"Prequalification Section" - The section within the Bureau of Construction of the Department responsible for determining responsibility, financial ratings, work ratings, and the issuance of bidding proposals.

"Request for Proposal Forms and Plans and Request for Authorization to Bid" - A form provided by the Department to assist a contractor in making a formal request for plans and proposal forms, and subsequent authorization to bid on one or all of the proposals requested.

"Responsibility" - The capability in all respects to perform fully the requirements of an awarded contract, and the integrity and reliability that will assure good faith performance.

"Specialty Items" - Items that are designated in the contract documents that are considered to require specialized construction techniques that are not ordinarily available in contracting organizations qualified to bid.

"Standard Specifications" - A Department publication entitled Standard Specifications for Road and Bridge Construction that sets forth the contract provisions for road and bridge construction.

"Subsidiary" - A corporation having more than 50% of the voting half

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of-its stock owned by another corporation called the "parent".

"Transportation Bulletin" - The public document which is the official publication and invitation issued by the Department for bids on construction projects.

~~unlimited-rating~~---A financial-rating-in-excess-of-\$75-million-or---a work-rating-in-excess-of-\$25-million

"Working Capital" - Current assets less applied discounts and current liabilities.

"Work Rating" - The dollar value of work of a particular category of construction that an applicant can perform with his/her organization and equipment in one construction season.

(Source: Amended at 24 Ill. Reg. 18775, effective 1-1-84)

Section 650.30 Introduction to Prequalification

a) As required by this Part, each contractor bids shall be prequalified prior to being considered for issuance of an Authorization to Bid on contracts advertised by the Department.

b) Except as otherwise provided in Section 650.70 of this Part, in order to become prequalified, an applicant shall submit an application for prequalification using forms furnished by the Department.

c) Upon receipt of a completed application, the Prequalification Section evaluates the information, determines the responsibility of the applicant and calculates a prequalification rating for the applicant.

d) The prequalification rating is a combination of two subratings: the financial rating and the work rating. The policies and procedures used by the Prequalification Section to determine these two subratings are delineated in this Subpart.

e) After the Prequalification Section determines the applicant to be responsible and calculates the applicant's prequalification ratings, the applicant is issued a Certificate of Eligibility. This certificate permits the applicant, now a prequalified contractor, to make application for Authorization to Bid on contracts within the contractor's available bidding capacity in accordance with Subpart B of this Part.

f) Pursuant to the Code, an applicant must also be prequalified or submit evidence of application with the Illinois Department of Human Rights (IDHR) prior to obtaining Authorization to Bid on bidding-proposal forms--and-plans-for contracts which are subject to the competitive bidding requirements of the Code. Information and forms concerning the rules of IDHR may be obtained from:

Illinois Department of Human Rights

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Public Contracts Division
100 West Randolph - Suite 10-100
Chicago, Illinois 60601
(312) 814793-2431

- g) Pursuant to Section 13.05 of the Business Corporation Act of 1983 [805 ILCS 5/13.05], out-of-state contractors are required to secure a certificate from the Illinois Secretary of State authorizing them to do business in Illinois. In addition, out-of-state prequalified contractors are required to staff and maintain an office located within the geographic boundaries of the State of Illinois. The in-state office will be the primary office at which all business with the Department will be conducted. The certificate must be obtained prior to the execution of a contract. Application forms can be obtained from:

Illinois Secretary of State
Corporation Division
Centennial Building
4th Floor
Springfield, Illinois 62756
(217) 782-1834

(Source: Amended at 24 Ill. Reg. 18775, effective 1-1-84)

Section 650.40 Application Requirements

- a) The Department shall furnish an application for prequalification to all prospective contractors who request such material. Requests shall be made by letter or telephone to:

Illinois Department of Transportation
Bureau of Construction, Prequalification Section
2300 South Dirksen Parkway, Room 322
Springfield, Illinois 62764
(217) 782-6667

- b) An application for prequalification shall be submitted on the form furnished by the Department and in accordance with this Part.

- c) An application for prequalification shall consist of the following information:

- 1) The applicant's name, address, telephone number and telefax number;
- 2) The applicant's Federal Employer's Identification Number (F.E.I.N.) or social security number if the applicant does not have a F.E.I.N.;
- 3) The applicant's Illinois Department of Human Rights Identification Number and registration expiration date;
- 4) The applicant's completed Statement of Experience and Financial Condition;

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- 5) All other information required by this Part or requested by the Prequalification Section.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.50 Time for Submission

- a) The Department's Prequalification Section must receive the completed application for prequalification no later than 4:30 p.m. prevailing time no later than twenty-one days prior to the scheduled date of the letting for which the applicant desires to bid. If the day of receipt falls on a weekend or a holiday, the following work day will determine the cut-off. The Department gives public notice of the letting dates and cut-off dates in the Transportation Service Bulletin. The Prequalification Section will make its determination at least three days prior to the relevant letting date. Additional information to amend current prequalification ratings is also subject to the above submission requirements.
- b) If additional projects are advertised for a letting through the issuance of a supplemental bulletin, the day of receipt for application forms or additional information is seven days after the date of issuance of the supplemental bulletin to submit bids on those projects advertised in the supplemental bulletin.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.70 Waiver of Prequalification and Additional Responsibility Considerations

Prequalification may be waived or additional responsibility factors may be established for selected contracts advertised in the Transportation Service Bulletin. In such contracts, the manner of determining bidder responsibility will be stated in the advertised contract and Transportation Service Bulletin. Contracts in which such waiver may be made include, but are not limited to, contracts that require specialized skills not covered by available work categories, contracts for furnished manufactured products or contracts in which a waiver is necessary to achieve sufficient competition. However, contractors must still obtain an Illinois Department of Human Rights identification number and comply with the procedures of Subpart B of this Part.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.110 Denial or Revocation of Ratings

- a) Prequalification ratings will be denied, or previously issued ratings

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will be revoked, in the event the Department finds the applicant or contractor to be nonresponsible. Reasons or events for a finding of nonresponsibility include but are not limited to the following. The Department shall be notified by the applicant or prequalified contractor of any information known to them which is relevant to any of the following reasons:

- 1) the applicant failed to provide complete information regarding each item and schedule set forth in the application for prequalification or otherwise requested by the Department;
- 2) the applicant provided false information regarding the application;
- 3) the applicant is suspended pursuant to Sections 20-75 and 50-65 of the Illinois Procurement Code [30 ILCS 500/20-75 and 50-65] by the Department or another State agency;
- 4) the applicant is suspended or debarred by the United States through a federal agency;
- 5) the applicant is suspended by the Department of Labor pursuant to Section 11a of the Prevailing Wage Act [820 ILCS 130/11a];
- 6) the applicant is suspended or debarred because of bid rigging or bid rotating convictions pursuant to the provisions of Article 33E of the Criminal Code of 1961 [720 ILCS 5/Art. 33E];
- 7) the applicant is debarred by the operation of the antibribery provisions of Section 50-5 of the Code [30 ILCS 500/50-5];
- 8) the applicant is suspended by operation of the antifeloncy conviction provisions of Section 50-10 of the Code [30 ILCS 500/50-10];
- 9) the applicant is suspended or debarred pursuant to the operation of Section 6 of the Drug Free Workplace Act [30 ILCS 580/6];
- 10) the applicant is an individual and debarred by operation of the Educational Loan Default Act [5 ILCS 385];
- 11) the applicant is prequalified in an unaudited status and is awarded \$600,000 in transportation contracts during a twelve month period;
- 12) the applicant has failed to comply with the requirements of this Part;
- 13) the applicant has filed for protection from creditors pursuant to the bankruptcy laws of the United States;
- 14) the applicant's performance evaluation is at or below the levels provided in Section 650.240(e) and (f) of this Part; **or**
- 15) the applicant has failed to execute a contract after award, **or** has been declared in default **defeated** or has otherwise substantially breached its obligations on any contract or contracts awarded or approved for award by the Department; **or**
- 16) the applicant has been convicted for the violation of any State or federal law having relevance to the integrity and reliability of the applicant.

- b) If an application is denied or prequalification is revoked by the Department, the applicant shall be sent a notice of denial or

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revocation in lieu of a Certificate of Eligibility setting forth the reason or reasons for denial or revocation.

- c) A denial or revocation will apply to the applicant or contractor named therein and to any parent, subsidiaries, affiliates or later created, established, formed or reorganized companies, firms or entities having substantially the same ownership, beneficiaries, management or control as the denied or revoked applicant or contractor. Application of the scope of a denial or revocation will be construed broadly by the Department for the express purpose of preventing the circumvention of the decisions of the Department by the means of creating new applicants for prequalification.

(Source: Amended at 24 Ill. Reg. 13.220, effective 1/1/88.)

Section 650.130 Revisions to Prequalification Ratings

- a) Revision to the financial rating that will either increase or reduce the rating may be necessary during the period it is in effect if there has been a change in status of the contractor due to reasons or events that materially impact the financial rating calculation or that affect the current responsibility of the contractor, including but not limited to those listed in this subsection (a). The Department may require a contractor to file a new financial statement at any time it considers such action to be warranted. The statement shall be filed within 30 days after such request. The prequalification of a contractor who fails to file the requested information will be revoked pursuant to Section 650.110 of this Part. The Department shall be notified by the contractor when it has knowledge of any of the following reasons or events:

- 1) The contractor experiences a has--an--organizational change involving ownership.
- 2) The contractor acquires or is acquired by another company.
- 3) The contractor incurs equipment or plant expenditures through purchase, lease or rental which totals 5 percent or more of the calculated value of the financial rating for a period of one year after the date of the financial statement. Notification of an equipment or a plant purchase should include the following:
 - A) Description (i.e., make, model, year, serial number and size or capacity);
 - B) Purchase date;
 - C) Purchase price;
 - D) Book or appraised value; and
 - E) Financial transaction (i.e., cash purchase or how financed).
- 4) Reduction of any long term notes before their due date.
- 5) The contractor incurs unanticipated stock repurchases within the period of one year after the date of the financial statement.
- 6) Contingent liabilities which are paid within one year of the

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financial statement.

- 7) Payment of the cash surrender value of life insurance.
- 8) The contractor incurs a judgment against it due to a lawsuit.
- 9) The contractor defaults on a loan agreement which is encumbered or pledged by current or fixed assets of the firm.
- 10) The contractor defaults on a contract not awarded or approved for award by the Department.
- 11) The contractor has experienced an event which has a present or future financial impact or reduction in working capital during the prequalification period. Subsequent events which represent a present or possible future reduction in working capital during the prequalification period will be reviewed and the Department will issue new ratings if the reduction in working capital exceeds 30 percent. The Department may request verification from the CPA when applicable.

- 12) The contractor has Department awarded or approved contract work in progress that has fallen behind the approved progress schedules applicable to the contracts involved due to performance delays caused by the contractor.

- 13) The contractor has not commenced performance of Department awarded or approved contract work as required by the contract or contracts involved due to performance delays caused by the contractor.

- b) Revision to a work rating that will either increase or reduce the rating may be necessary during the period it is in effect for events or reasons that affect the current responsibility of the contractor to undertake and complete the work category, including but not limited to those listed in this subsection (b). The Department may require the contractor to provide additional information or verification of information affecting a work rating at any time it considers such actions to be warranted. Failure to provide requested information will result in revocation pursuant to Section 650.110 of this Part. The Department shall be notified if any of the following occur:

- 1) A change in management or departure Departure of key staff required to maintain the work rating.⁷⁻⁰²
- 2) Sale, loss, destruction, damage, obsolescing or other action affecting the availability of equipment required to maintain the work rating.⁷⁻⁰²
- 3) Cancellation of an equipment lease or rental required to maintain the work rating.
- 4) The contractor's performance evaluation is at or below the levels provided in Section 650.240(e) and (f) of this Part.
- 5) The contractor has Department awarded or approved contract work in progress that has fallen behind the approved progress schedules applicable to the contracts involved due to performance delays caused by the contractor.
- 6) The contractor has not commenced performance of Department awarded or approved contract work as required by the contract or

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contracts involved due to performance delays caused by the contractor.

- c) No revision of a prequalification rating requested by a contractor will be effective for a particular letting unless a revised application for prequalification or other supplemental information pertaining to changes is received within the time specified by Section 650.50 of this Part.
- d) Revision of a prequalification rating initiated by the Department shall be effective when issued.
- e) A revision involving the name, phone number or address of a contractor will not affect prequalification ratings. However, the Department should be notified of these changes as soon as they occur.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.140 Transfer of Prequalification Ratings

Prequalification ratings shall not be assigned or transferred by the Contractor.

- a) When corporations share common stock ownership and all corporations are prequalified by the Department, the rating of each company may be interchanged. The portion of the rating transferred may not exceed the level of common ownership expressed as a percentage. For example, 40 percent of the stock of Company A and 30 percent of the stock of Company B are owned by the same stockholder. In this case, up to 40 percent of Company A's rating may be transferred to Company B and up to 30 percent of Company B's rating may be transferred to Company A. Prequalified corporations may elect to be treated as affiliated for the purpose of rating transfer. In order for a company to be treated as affiliated with another, at least 51 percent of each class of stock shall be owned by the same stockholder or the same entity. The transferee need not be the wholly owned subsidiary of the transferor; all that need be established for purposes of a prequalification transfer is 51 percent controlling stock ownership between the companies. For example, 51 percent of the stock of Company A and 100 percent of the stock of Company B are owned by the same stockholder. In this case, all or part of Company A's rating may be transferred to Company B and all or part of Company B's rating may be transferred to Company A. If the companies elect to be treated as affiliates for prequalification purposes, otherwise the companies may still follow the limited rating transfer of the common stock ownership rule which would limit Company A's transfer to 51 percent.
- e) Some conditions are common to both rating transfer methods:
- 1) The financial statement (balance sheet) of both the transferor and the transferee shall have a common date.
 - 2) The request to transfer prequalification ratings shall be in writing from the transferor and shall include the following:

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- A) The amount of financial rating or work ratings to be transferred;
- B) The extent of common ownership between the companies;
- C) A statement that the transfer is for the remaining duration of the prequalification period; and
- B) The signature of the transferor.
- 3) Corporations shall provide a corporate resolution which authorizes the transfer of prequalification ratings (see Section 650-Appendix B of this Part).
- 4) A parent company shall submit the Certified Assumption and Guarantor Agreement contained in the application for prequalification when transferring a financial rating to a subsidiary.
- 5) The rating of the transferor will be reduced by the amount of increase in the transferee rating.
- 6) A contractor with an unaudited rating may not receive a financial rating transfer which causes its prequalification rating to exceed the 9950/000 limit.
- 7) A contractor with an unaudited rating may not transfer a financial rating to a contractor with an audited rating.
- 8) Only one transfer of ratings between the same transferor and transferee will be recognized during the prequalification period.
- 9) No transfer of a prequalification rating requested by a contractor will be effective for a particular letting unless evidence of the form of a written request is received within the time specified by Section 650.50 of this Part.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.160 Financial Rating - General

- a) The financial rating serves two functions:
- 1) To measure the applicant's ability to sustain cash flow for the duration of an awarded contract and
 - 2) To indicate the maximum amount of uncompleted work that the applicant may have under contract at any one time.
- b) When computing an applicant's financial rating, the Department utilizes the financial statement submitted by the applicant as part of the application for prequalification.
- c) The Department shall consider any applicant with a net worth of \$20 million or a financial rating in excess of \$75 million to have an unlimited financial rating.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.170 Financial Statement

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An applicant may obtain a financial rating in either an audited or unaudited status. Audited financial information provides the prequalification Section with reliable information, whereas unaudited financial information is subject to certain restrictions as provided for in subsection (c) of this Section.

a) Audited Status

The Department will require all applicants seeking an audited status to adhere to the following:

- 1) An applicant shall submit the Department's "Certificate of Accountant" with the completed financial statement. An Independent Auditor's Opinion Letter is acceptable in lieu of the Certificate of Accountant, if the applicant desires to submit only the balance sheet, auditor's notes, and an income statement.
- 2) All data shall be secured from an audit conducted no more than twelve months prior to the time the financial statement is received by the Department.
- 3) Financial statements which are only compiled or reviewed by a CPA are not accepted for prequalification in an audited status.
- 4) The audit of the applicant's records shall be conducted in accordance with generally accepted accounting standards.
- 5) The financial statement shall be prepared by a Certified Public Accountant (CPA) who has been licensed by the Illinois Department of Professional Regulation or an out-of-state CPA who has been issued a license by that state. A financial statement will be considered unaudited if prepared by a non-licensed CPA.
- 6) No certified financial statement will be accepted which has been prepared by an accountant who has a direct or indirect interest, financial or otherwise, in the business of the applicant submitting the statement.
- 7) The applicant shall submit a report prepared by the CPA who conducted the audit if the Department's Certificate of Accountant is not submitted. The report shall contain the following information:
 - A) name, address, and telephone number of the accounting firm involved with the audit;
 - B) the license number, state of license, expiration date of license and signature of the CPA conducting the audit;
 - C) the date of audit;
 - D) the degree of responsibility assumed by the CPA; and
 - E) the accountant's opinion (see subsection (b) of this Section).
- b) Opinion of Certified Public Accountant

An auditor's or CPA's ~~accountant's~~ opinion is a report that either contains an expression of opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When the latter occurs, the CPA should state the reasons. There are several types of opinions a CPA can issue:

 - 1) Unqualified opinion - an opinion which contains no exceptions and

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conveys the CPA's belief that the financial statement presents a fair and accurate statement of the applicant's financial position. An unqualified opinion is the most desirable because it allows the applicant to obtain audited status. Additionally, the unqualified opinion enables the Department to accept the applicant's financial statement with the confidence that the audit was conducted in accordance with generally accepted auditing standards; that the CPA acquired all the information necessary to render an informed opinion; and, that the same accounting principles were used as those used in the preceding year.

- 2) Qualified opinion - an opinion which contains an exception. An exception indicates that the CPA is not in agreement with a certain accounting principle. When a qualified opinion is in order, the CPA shall express the reason(s) for the qualification, the approximate amount involved, and the overall effect on the financial statement. Depending on the impact of these three factors, the Department may or may not accept the opinion for prequalification purposes. If the Department chooses not to accept the opinion, the applicant's financial statement will preclude prequalification in an audited status.

- 3) Adverse opinion - an opinion expressing the CPA's belief that the applicant's financial statement does not present a fair and accurate statement of the applicant's financial position ~~and--any resulting--exceptions--are--so--material--that--the--CPA--cannot--justify issuing--a--qualified--opinion.~~ Pursuant to the rendering of an adverse opinion, the CPA shall disclose all substantive reasons for issuing such an opinion in his report. The Department shall view the applicant's financial statement as unaudited, thereby precluding prequalification in an audited status.

- 4) Disclaimer of opinion - a report used when a CPA believes an opinion cannot be expressed. Pursuant to the rendering of a disclaimer, the CPA shall present the reasons for refusing to express an opinion, such as client imposed restrictions. The Department shall view the applicant's financial statement as precluding prequalification in an audited status.

c) Unaudited Status

The Department will require all applicants seeking an unaudited status to adhere to the following:

- 1) The unaudited status is subject to the following limitations:
 - A) the applicant's financial rating shall be limited to no more than \$500,000;
 - B) the applicant shall not have been awarded more than \$600,000 in transportation contracts, including Local Agency Motor Fuel Tax contracts, during any twelve month period. If this condition occurs subsequent to the issuance of a Certificate of Eligibility, the prequalification ratings will automatically expire.

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2) The financial statement shall be prepared by either the applicant or an accountant. It is not necessary that the statement be prepared and certified by a licensed accountant. The financial statement:

- A) must be prepared from data secured from the applicant's records;
- B) must not be more than twelve months old at the time of receipt by the Department;
- C) must be completed and in balance; and
- D) the financial information release must be completed and submitted by the applicant's financial institution to verify account balances.

d) Interest in Other Firms

1) Any parent and all affiliates or subsidiaries of the applicant shall be identified.

2) If an individual, a member of a partnership, or an officer or director of a corporation is interested financially in more than one company, the accountant shall submit a letter explaining such interest, the extent of the investment, and the individual's relationship with such companies. ~~the same shall apply to employees who have pledged assets to the prequalified firm. The Department may require these individuals to furnish financial statements from these companies as of the same date as the financial statement submitted by the applicant requesting prequalification.~~

3) Each applicant shall disclose, in the application for prequalification, the name of each owner, shareholder, partner, member, beneficiary or any other person expected to have a direct pecuniary interest in a contract awarded by the Department who holds an elective office in the State of Illinois; who is appointed to or employed in any office or agency of State government; or who is the spouse or minor child of any such person ~~each individual having a beneficial interest of 7-1/2 percent or more in the firm seeking prequalification.~~ If the company is a corporation, the name of all the officers and directors and their respective positions shall be disclosed.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.190 Other Factors Considered in Determining Financial Ratings

a) Notes and Accounts

1) Long term notes and accounts payable to stockholders, officers, directors, employees, parent, subsidiaries and affiliates will not be considered a liability if subordinated. A subordination is not permitted if it takes place more than one year from the date of the financial statement. Long term notes which are not

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subordinated will be considered as current liabilities. Subordinations which are not honored will not be considered on subsequent financial statements.

- 2) Long term notes (which are in the company's name) payable to banks or other financial institutions when secured by the personal assets of the owners, officers or directors will be considered as additional working capital if properly subordinated. If not subordinated, they will be considered as liabilities against current assets.
- 3) Notes payable due within one year from the financial statement date are considered current liabilities. Installments on notes due beyond one year are considered deferred liabilities.
- 4) When notes payable are secured by all assets or current assets of a firm, the amount of the loan is deducted from the value of fixed assets (against equipment first, then real estate) in determining the financial rating. No excess of encumbrance will be charged against working capital. When notes payable are unsecured, there will be no deductions from the value of fixed assets with the exception of Section 650.180(a)(1)(D).
- 5) The reduction of long term notes before their due date will cause a reduction in the computed financial rating. In the event of long term debt reduction, the contractor shall furnish in writing the details of the transaction. This information shall be verified by a certified public accountant for those contractor's who have an audited status.
- 6) Any long term unsecured notes payable shall be accompanied by a signed statement from the lending agency and the contractor indicating that a decrease in the unsecured borrowing shall be reported to the Department immediately. In addition, the contractor shall provide a copy of the loan agreement which shall disclose the date of the loan, the termination date, the terms of payment, a statement that the loan is free of conditions and whether it is interest or noninterest bearing. Any unsecured note payable not accompanied by such a statement and loan agreement shall be considered a current liability for prequalification rating purposes.

b) Income Taxes

The Department shall utilize the maximum corporate tax rate as stipulated by the Internal Revenue Code to reclassify deferred taxes as a current liability. This situation occurs when an applicant reports its income to the Internal Revenue Service on the cash or completed contract method, but submits such to the Department on the accrual method, thus deferring 100 percent of any income taxes due on its receivables. When deferred taxes are represented as a long term ~~as both asset assets-and-liabilities~~, the asset will be given no credit.

c) Dividends

Where dividends of the applicant, declared or proposed, have neither

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been paid nor included as a current liability in the submitted application for prequalification, the Department shall establish reserve distributions equal to the unpaid portion.

d) Treasury Stock

If debentures have been issued, or, if long term obligations have been assumed by an applicant for repurchase of treasury stock, the Department will not consider the long term portion of these obligations as long as the applicant has provided for repayment of any current portion.

e) Related Affiliated Companies

1) Applicants may be related to other concerns or companies by virtue of a parent, subsidiary or affiliate connection. Also, two or more concerns or companies may operate in a coordinated manner to maintain a single set of ratings. Applicants seeking a prequalification financial rating based upon the financial strength of the applicant and a related company or seeking a financial rating in conjunction with the financial strength of a group of related companies will be evaluated and issued ratings based upon an assessment of the financial statements submitted in accordance with this subsection (e) provided that the operational roles of the related companies in the business activity of the applicant are consistent with the work ratings applied for pursuant to this Part.

2) A consolidated financial statement from a the parent corporation organization may be used to prequalify a single subsidiary corporation or group of subsidiary corporations company. A Certified Assumption and Guarantor Agreement must be submitted with the financial statement. If more than one subsidiary is identified by a holding company for bidding purposes, the Department will establish the bidding identity for each subsidiary. The single subsidiary company is permitted to transfer its financial rating to companies included in the consolidated financial statement who desire to become prequalified.

3) The Department may request a consolidated or consolidating financial statement from the parent corporation organization of a subsidiary or affiliate requesting prequalification. The Department will deny credit for assets of a subsidiary that or an affiliate which are unduly burdened or otherwise heavily encumbered, or and which are not available because of the financial condition of the parent corporation organization.

4) A combining combined financial statement may be used to prequalify an affiliated a single company or group of affiliated companies. Separate financial statements may be used to prequalify two or more related companies that provide the material production and construction capability necessary to support a work rating classification. The affiliates of the prequalifying company shall submit a pledge letter. Corporations

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shall provide a corporate resolution which authorizes the pledge of assets (see Section 650-Appendix B of this Part). An applicant seeking a financial rating for a group of affiliated companies based upon the combined affiliate data presented in a combining financial statement or separate financial statements shall present a full description of the businesses' operations and interdependencies. Certified Assumption and Guarantor Agreements will be required. The Department will not credit assets between affiliates for purposes of individual affiliate financial ratings without a Certified Assumption and Guarantor Agreement and any necessary lease agreements in accordance with Section 650-260(b)(2) of this Part. In all instances, if more than one affiliate is identified for bidding purposes, the Department will establish the bidding identity for each affiliate.

f) Letters of Credit

Bank letters or letters of credit will not be considered in the computation of the financial rating.

(Source: Amended at 24 Ill. Reg. , effective .)

Section 650-200 Methods of Improving a Financial Rating

a) Personal assets of stockholders, officers, directors, members, partners, beneficiaries or employees may not be pledged to improve the financial rating of the contractor seeking prequalification. See Section 650-Appendix C of this Part for information on assets acceptable to pledge and the letter required. Section 650-Appendix B of this Part illustrates the letter required from the certified public accountant for audited financial statements. The Department will not give credit for assets which are unduly burdened or heavily encumbered, and which are not available to the stockholder, officer, director or employee.

b) Assets of another a nonprequalified affiliated company may not be pledged to improve the financial rating of the contractor seeking prequalification, if the following conditions are met:

- 1) The pledgor (affiliate) company and the pledge company have at least 51 percent common controlling ownership.
- 2) Pledging of assets by the affiliate shall consist of the submittal of a financial statement. The financial statement of the affiliate must correspond with the date of the financial statement of the pledgee. The financial statement (audited or unaudited) that was submitted by the company seeking prequalification.

3) The affiliate shall submit a pledge letter. Corporations shall provide a corporate resolution which authorizes the pledge of assets (see Section 650-Appendix B of this Part). If a combined

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~~financial statement is submitted; a corporate resolution pledging the nonprequalified firm's assets must be included.~~

4) ~~the Department will not give credit for assets which are unduly burdened or heavily encumbered, and which are not available to the affiliate.~~

c) Loans which are renegotiated and involve the time frame or the encumbrance of assets of the company may be reconsidered. Only loans which total in excess of \$100,000 will be considered. A copy of the new loan agreement is required.

d) Subsequent efforts to increase capitalization or to otherwise increase a financial rating events which take place more than one year from the date of the financial statement will not be permitted to improve the financial rating of a company. Only subsequent efforts that are made within one year from the date of the financial statement events which the Department considers material will be used to increase determine financial ratings.

(Source: Amended at 24 Ill. Reg. 13.04, effective _____)

Section 650.240 Performance Factor (PF)

a) The Performance Factor is a numerical value which is determined by the contractor's performance evaluation in a work category during the previous year. At the close of each construction season, the Department, other State agencies or authorities using contractors based on the prequalification decisions of the Department and or officials of a unit of local government administering a contract approved for award by the Department will evaluate each contractor who performed work for them during the previous year either as a prime contractor or as a subcontractor. This information is submitted on the Contractor's Annual Performance Report (BC-1777), and will be held confidential from disclosure in accordance with Section 7(1)(a) of the Freedom of Information Act [5 ILCS 140/7(1)(a)]. The performance evaluations are based on:

1) The quality of work performed for each work category defined in Section 650. Appendix A of this Part.

2) The overall execution of work as measured by evaluating five categories.

- A) Organization and prosecution of the work;
- B) Cooperation with public agency personnel responsible for contract administration and inspection;
- C) Traffic control and site protection as provided by contract requirements;
- D) Compliance with EEO and labor requirements; and
- E) Erosion Control.

b) The performance evaluation scale is a rating from 2.0 to 8.0 in accordance with the following definitions:

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8.0 Excellent

7.0 Good

6.0 Satisfactory

4.0 Marginal

2.0 Poor

c) The quality and evaluating categories under execution of work are defined and rated as follows.

1) Quality - The project's durability and appearance, the knowledge of supervisory personnel, and the compliance with contract requirements (i.e., plans, specifications, field inspection, etc.) are considered.

2) Quality Scale

8.0 The contractor exceeded project requirements in all areas considered.

7.0 The contractor exceeded project requirements in a majority of areas considered.

6.0 The contractor met project requirements in all areas considered.

4.0 The contractor did not meet project requirements in one area considered.

2.0 The contractor did not meet project requirements in two or more areas considered.

3) Organization/Prosecution - The contractor's ability to diligently prosecute work by planning and scheduling labor, materials and the work of subcontractor's on project site are considered.

4) Organization/Prosecution Scale

8.0 The contractor exceeded project requirements in all areas considered and completed the project well ahead of schedule.

7.0 The contractor exceeded project requirements in a majority of areas considered and the project was completed slightly ahead of schedule.

6.0 The contractor met project requirements in all areas considered and the scheduled completion date was met.

4.0 The contractor did not meet project requirements in one area considered and occasionally did not work when conditions permitted. The scheduled completion date was met.

2.0 The contractor did not meet project requirements in two or more areas considered and the scheduled completion date was not met.

5) Cooperation - The contractor's willingness to negotiate contract disputes, to respond to reasonable requests by the resident engineer, and to respond to various Departmental correspondence are considered.

6) Cooperation

8.0 The contractor exceeded project requirements in all areas considered.

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- 7.0 The contractor exceeded project requirements in a majority of areas considered.
- 6.0 The contractor met project requirements in all areas considered.
- 4.0 The contractor did not meet project requirements in one area considered.
- 2.0 The contractor did not meet project requirements in two or more areas considered.
- 7) Traffic Control/Site Protection - The appearance of the traffic control devices, the response to repair deficient devices and the contractor's willingness to comply with the Traffic Control Plan (TCP) are considered.
- 8) Traffic Control/Site Protection
- 8.0 The contractor exceeded project requirements in all areas considered.
- 7.0 The contractor exceeded project requirements in a majority of areas considered.
- 6.0 The contractor met project requirements in all areas considered.
- 4.0 The contractor did not meet project requirements in one area considered.
- 2.0 Either the contractor did not meet project requirements in two or more areas considered or the contractor committed an act or omission which seriously compromised the safety of the public.
- 9) ERO/Labor Compliance - The contractor's compliance with the Equal Employment Opportunity program and compliance with labor laws are considered.
- 10) ERO/Labor Compliance
- 8.0 The contractor exceeded project requirements.
- 7.0 The contractor met project requirements through extraordinary effort and initiative.
- 6.0 The contractor met project requirements with minimum effort and initiative.
- 4.0 The contractor met project requirements, but had to be motivated by Department personnel.
- 2.0 The contractor did not meet project requirements.
- 11) Erosion Control - The contractor's compliance with the project's erosion control plan and all pertinent federal and State laws, permits and regulations.
- 12) Erosion Control
- 8.0 The contractor exceeded project requirements.
- 7.0 The contractor exceeded project in a majority of the areas considered.
- 6.0 The contractor met project requirements in all areas.
- 4.0 The contractor did not meet the project requirements in one area considered.
- 2.0 The contractor did not meet the contract requirements in

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- two or more areas.
- d) The Performance Factor is calculated by first determining the Project Cost Ratio (PCR) for the relevant work category. The PCR is the ratio of the value of all contracts being evaluated to the value of all contracts performed. Secondly, a weighted performance evaluation value is established for each performance evaluation completed by determining the product of the PCR, the rating for quality given on the relevant performance evaluation and the averaged ratings for execution given on the relevant performance evaluation divided by 6. Finally, the summation of all weighted performance evaluation values is divided by 6 to arrive at the PF. equal-to-the-performance evaluation-rating-for-quality-of-work-times-the-weighted-average-for-all-execution--of-work-values-divided-by-36--However,--if-a-rating-of 4.0-or-less-occurs-in-a-category-under-execution-of-work-as-determined-by-the-District--the-District-Engineer--will--indicate--those--work categories--affected--and--will--explain--the--problems--encountered--in addition--an-average-value-from-all-the-categories-under-execution-of-work--will--be-determined--if-the-average-value-for-execution-of-work is-less-than-the-performance-evaluation--for--quality--of--work,--this average--value--will--be-used-to-determine--the--Performance-Factor--Only those-work-categories-indicated--by--the--District-Engineer--will--be affected.
- e) A work rating will be subject to denial or revocation not-be-renewed or-will-be-revoked if the summation of all weighted a performance evaluation values for a work rating category rating is of less than 6.0 in-quality-of-work-is-received for two successive years. A work rating will be subject to denial or revocation if the summation of all weighted performance evaluation values for a work rating category is less than 4.0 for one year.
- f) The Department will evaluate performance on any individual contract or group of contracts for purposes of determining the current responsibility of a contractor when the Engineer of Construction has determined that performance on any contract or contracts may not be acceptable and that an immediate evaluation is necessary to assess the responsibility of a contractor in order to protect the interests of the State in sound procurement practices. If the evaluation ordered by the Engineer of Construction results in the quality of work or the average overall execution of work ratings being rated at less than 4.0, the work ratings evaluated will be revoked. A-work-rating-will not-be-renewed-or-will-be-revoked-if-a-District-determines-for-two successive-years-a-performance-evaluation-rating-of-6-or-less-in-the same-category--under--execution--of--work--However,--the-Engineer-of-Construction-will-determine-the-work-ratings-to-remain--in--effect--if another-District-Engineer--indicates-satisfactory-performance-within that-District--An-explanation-for-allowing-the-work-ratings-to-remain in-effect-will-be-provided-by-the-Engineer-of-Construction.
- g) The contractor shall be notified of the performance evaluation in writing within 14 days with a detailed explanation of any substandard

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items. If a performance evaluation results in a denied, reduced or revoked work rating, the contractor may proceed with the review procedures in accordance with Section 650.150 of this Part.

- h) If an applicant did not have a contract with the Department in the previous year, the last evaluation issued within a five year period will be used. If an applicant has not had an evaluation in the last five years or is applying for an initial rating in a category and lists no public agencies or private customers as references, a Performance Factor of "1" will be used until an actual evaluation is made.

(Source: Amended at 24 Ill. Reg. 187752, effective 11/1/01.)

Section 650.260 Equipment Factor (EqF)

- a) Work categories which require the applicant to have specific equipment and plant facilities are indicated in Section 650. Appendix A of this Part. Determination of work ratings in these categories requires the calculation of an Equipment Factor which measures the physical productive capacity of the applicant's equipment and facilities. Equipment Factors are based on standards which produce an average dollar value of productivity as set forth in Section 650. Appendix A of this Part. The Department may adjust the standards as necessary to reflect increases in construction costs. The word "equipment" used in this Section includes all machines, tools and plant facilities.

- b) In calculating Equipment Factors, the Department will consider:

- 1) Equipment owned outright. All equipment which is serviceable will be considered even though fully depreciated.
- 2) Equipment pledged in its entirety for the exclusive use of the applicant. A stockholder, officer, director or employee of the company may pledge equipment. A parent, subsidiary or affiliate may also pledge equipment. The request to pledge shall be in writing by the pledgor and shall include the following:
 - A) The pledgor and the pledgee;
 - B) The make, model, year, serial number and size or capacity of the equipment;
 - C) A statement that the equipment is pledged for the exclusive use of the applicant;
 - D) A statement that the pledge is for the remainder of the applicant's prequalification period;
 - E) The signature of the pledgor;
 - F) Corporations shall provide a corporate resolution which authorizes the pledge of equipment (see Section 650. Appendix B of this Part);
- 23) Rented, leased or rented equipment, currently in the possession of the applicant or leased or rented equipment possessed by the applicant during the previous year, whichever is

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greater. Possession and exclusive control of the equipment by the lessee shall be confirmed by the submittal of a signed and notarized affidavit. No credit will be given for rented leased equipment not in possession to establish an equipment factor. Applicants shall submit a copy of the rental lease agreement, which must contain the following:

- A) Time period. The duration of the Either a minimum twelve month period or the prequalification period is required.
- B) Make, model, year, serial number and size or capacity of the equipment.
- C) Monetary consideration.
- D) Signature of the lessee and lessor.
- E) The statement of "exclusive use" and "notarization" of the signatures for equipment involving a bituminous or concrete plant.

- c) Credit for equipment (including plants) will not be given until the applicant provides proof that all required federal, State or local permits or licenses to operate the equipment have been obtained. Concrete plants used for retail sales will not be eligible to establish an equipment factor for the work category of Portland Cement Concrete Paving.

- d) No credit will be given for any piece of equipment that is not serviceable, that is in disrepair or that is inoperable. A disassembled piece of equipment that is in all other respects serviceable, operable if assembled and available in accordance with subsection (f) of this Section may be credited provided that it will be assembled for the performance of contracts awarded during the period of prequalification. For example, a batch plant supporting a Portland Cement Concrete Paving work rating may be disassembled, stored and reassembled for use on contracts awarded during the period of prequalification. Equipment owned but leased to another contractor will not be considered available for a work category.

- e) The applicant shall make equipment available for inspection so the Department can verify possession and determine its serviceability.

- ef) Equipment, including but not limited to such as front-end loaders, motor graders and cranes are versatile and can perform several types of work. If the contractor does not assign equipment to a specific category, the Department will assign the equipment on the basis of the contractor's work experience and requested ratings. The Department will not give credit for equipment which is not available for a work category. For example, an applicant may have front-end loaders which are used in a quarry; this equipment would not be considered available for the work category of Earthwork.

- f) The Department will give credit for equipment that is available for a work rating category. Conditions rendering equipment unavailable may include but are not limited to the following:

- 1) Equipment owned but leased to another individual or business.
- 2) Equipment that is devoted to a business enterprise of the

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applicant unrelated to or inconsistent with making the equipment available for the work category sought. Examples of this unavailability condition include but are not limited to the following. An applicant may have front-end loaders that are used in a quarry. This equipment would not be considered available for the work category of Earthwork. An applicant may sell the product of a concrete plant to the public by retail sales. This plant would not be available for the work category of Portland Cement Concrete Paving.

3) Equipment that is not readily transported or relocated and that is not located within the State of Illinois or a bordering state or commonwealth at a location sufficiently proximate to the State of Illinois necessary to satisfy contract delivery requirements.

4) Equipment that is readily transported or relocated but the applicant does not demonstrate, with intent and action, the transportation or relocation to the State of Illinois or a bordering state or commonwealth at a location sufficiently proximate to the State of Illinois necessary to satisfy contract delivery requirements.

5) Equipment not in the possession and control of the applicant or not capable of being used to perform contracts for any reason.

g) The applicant shall make equipment available for inspection by the Department to verify possession, to determine serviceability, and to confirm availability for use in the work category.

(Source: Amended at 24 Ill. Reg. 137.252, effective 11/1/99)

Section 650.280 Calculation of Work Ratings

a) Applicants assigned work ratings in the categories of Earthwork, Portland Cement Concrete Paving, Bituminous Plant Mix, Bituminous Aggregate Mixtures, Aggregate Bases & Surfaces (type A or B) and Cover & Seal Coats are required to possess specific equipment or plant facilities which are assigned Equipment Factors. Work ratings in these categories are calculated by the primary formula.

$$WR = PF (EF/2 + EqF/2) \quad (\text{Primary Formula})$$

b) Equipment Factors based on plant production may be quite large, but new or inexperienced contractors may not be able to realize the full potential of their capacity. For this reason, the primary formula considers experience as well as equipment and plant capacity. In the simplest case, a new applicant with no experience and a presumed performance factor of 1.0 will receive a work rating equal to one half the calculated Equipment Factor. As the applicant gains experience, the work rating will increase. When the Experience Factor equals or exceeds the Equipment Factor, the work rating is calculated by the

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advanced formula below.

$$WR = PF \times EqF \quad (\text{Advanced Formula})$$

c) All remaining work categories are calculated by the secondary formula.

$$WR = PF \times CP \times 1.2 \quad (\text{Secondary Formula})$$

d) The secondary formula does not utilize an equipment factor because of the immeasurable productive capacity of the equipment or plant facility; however, equipment must be owned by or leased to the applicant. See Section 650. Appendix A of this Part for a listing of equipment or plant facilities. The secondary formula includes a factor of 1.2 to provide a margin for growth.

e) An applicant's capacity to perform may exceed the calculated equipment factor. This can occur by good management, efficiency and additional hours of work. When this occurs, the primary and advanced formulas will be replaced by the secondary formula.

f) The work rating in any given category may not exceed the financial rating of the applicant.

g) If the primary, advanced or secondary formula results in a value in excess of \$25-million, the work category will be assigned an unlimited rating provided the applicant's financial rating is unlimited.

g)h) A work rating may be designated as "Illinois Work Only." This work rating indicates the dollar value of work which the applicant's own forces can perform within the State of Illinois in one construction season. This rating will be established by the Department if the applicant does work in more than one state or outside the continental United States and it would be impractical to verify all outstanding work.

h) Prior to any consideration for establishing a work rating value, the applicant shall provide a list of all technical, supervisory and key personnel who would manage a project awarded by the Department. This list should include the individual's job title and number of years of construction experience. The Department may also require the submittal of resumes of the above individuals. Applicants prequalifying with the Department for the first time shall be required to submit resumes. Insufficient personnel may be justification for a reduction in the rating of a work category as determined by the primary, advanced or secondary formula. Hiring of additional personnel may be justification for an increase in the rating of a work category. Applicants without experienced personnel for a requested work category may be denied the rating.

i) Methods to Improve a Work Rating

- 1) Hiring of additional personnel.
- 2) Purchase, lease or rental of additional equipment.
- 3) Completion of additional work.

j) A contractor may request additional rating in a work category at any

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time during the prequalification period by submitting a revised application or supplemental information.

(Source: Amended at 24 Ill. Reg. 187785-2418, effective

SUBPART B: ISSUANCE OF PLANS AND PROPOSALS

Section 650.290 Advertising for Bids

The procedures for procuring contracts are set out in the Department's rules for contract procurement found at 44 Ill. Adm. Code 660. The procedures of this Subpart B govern the granting of authority to bid on contracts advertised for bids in the Transportation Bulletin in accordance with the Department's rules for contract procurement.

- a) ~~An advertisement for bids is published in the Transportation Bulletin.~~
 b) ~~The Transportation Bulletin is the official publication and invitation issued by the Department for bids on construction projects. It contains a brief description of the work involved in each project and the quantities of the major pay items. It also states the location and time when the bids will be opened.~~
 c) ~~The Transportation Bulletin is sent to all contractors who are prequalified with the Department. Other persons who may be interested in serving as subcontractors or material suppliers may subscribe to the Transportation Bulletin at the established subscription price from:~~

~~Illinois Department of Transportation
 Bureau of Administration and Facility Services
 2300 South Dirksen Parkway
 Springfield, Illinois 62764
 (217) 785-2418~~

(Source: Amended at 24 Ill. Reg. 187785-2418, effective

Section 650.300 Request for Proposal Forms and Plans; Authorization to Bid

A Request for Proposal Forms and Plans and Request for Authorization to Bid (Form BD-124) is published with the Transportation ~~attached to the Service Bulletin~~. The Form BD-124 shall be used by contractors to request proposals and plans and to request formal authorization to bid on contracts advertised in the Transportation Bulletin. Anyone may obtain proposal forms and plans regardless of prequalification status. An Authorization to Bid must be granted in accordance with this Part before a prequalified contractor may submit a bid.

(Source: Amended at 24 Ill. Reg. 187785-2418, effective

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Section 650.310 Affidavit of Availability

- a) An Affidavit of Availability (Form BC-57) is attached to the Transportation Bulletin and must be submitted with a request for Authorizations to Bid. It is a sworn statement concerning the contractor's present and pending contract commitments. The contractor shall not omit or misrepresent its work outstanding. When the contractor has uncompleted or pending work as a party of a joint venture, the contractor's responsible portion of the work shall be shown. The affidavit shall be signed by an officer or director of a corporate contractor, and otherwise, an owner shall sign. The affidavit is not required ~~when a contractor has unlimited work ratings and an unlimited financial rating or when Authorization to Bid is not being requested.~~ The affidavit shall include:
- 1) The amount of all uncompleted work, by type, either as a principal or subcontractor together with the name of the agency under whose jurisdiction the work is being performed. All uncompleted work shall be based upon the engineer's or owner's most recent estimate.
 - 2) The commitment of equipment and personnel on a payroll or rental basis even though no formal contract exists.
 - 3) All work on which the contractor is the low bidder and which has not yet been awarded.
 - 4) A listing of all subcontractors and the value of work sublet.

- b) Prospective bidders shall notify the Department within two working days of any low bids pending award or contracts awarded after submission of the affidavit ~~which might occur between the submission of the affidavit and the opening of bids.~~
- c) Facsimiles of the affidavit will be accepted for analysis purposes. Authorization to Bid will not be issued without a correct, signed and notarized original affidavit in the Department's Central Bureau of Construction's possession by the cut-off date specified in the Transportation Bulletin.

- d) A contractor may request to forego filing an affidavit if it has a financial rating at either of the following levels. The Prequalification Section will grant such a request provided the contractor's existing contracts with the Department are not behind approved contract progress schedules and provided the most recent performance evaluation rating is not less than 6.0 in the performance factor calculation. (See Section 650.240 of this Part.)
- 1) A financial rating of \$300 million.
 - 2) A financial rating of at least \$150 million or a Department calculated net worth of at least \$40 million, either in conjunction with two or more work ratings calculated to equal or exceed \$50 million each.

(Source: Amended at 24 Ill. Reg. 187785-2418, effective

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Section 650.320 Analyzing Requests for Authorization to Bid

- a) In analyzing a contractor's request for Authorization to Bid, it is necessary to determine the contractor's available bidding capacity.

1) The total value of all uncompleted work awarded to the contractor, as shown on the Affidavit of Availability, is deducted from the financial rating shown on the Certificate of Eligibility. The result is the Available Financial Rating.

2) The value of each type of work uncompleted and included in pending low bids the contractor will perform with its own forces as a prime or subcontractor, as shown on the Affidavit of Availability, is deducted from the corresponding category of work rating shown on the Certificate of Eligibility. The result is the Available Work Rating in each category. If a contractor has a work rating designated for "Illinois Work Only," then only Illinois work is deducted from the corresponding category of work rating; however, all work must be shown on the affidavit to determine the Available Financial Rating.

3) When the proposed work requires more than one construction season (18 months or 168 working days) to complete, the work ratings shown on the Certificate of Eligibility are multiplied by the number of construction seasons required for completion. The Available Work Rating is then determined as stated in subsection (a)(2) of this Section. Similar consideration is given to work reported on the Affidavit of Availability. Each work category of a project is divided by the number of construction seasons to complete the project. The Available Work Rating is then determined as stated in subsection (a)(2) of this Section.

4) Contractors who have ratings in major work categories are given credit for work in applicable minor work categories. For example, a contractor with a rating in Portland Cement Concrete Paving or Structures is given credit for work in the minor work category of Miscellaneous Concrete Construction. The work category definitions in Section 650. Appendix A of this Part will indicate if a minor work category is applicable. Credit given for a minor work category is deducted from the contractor's available rating in the corresponding major work category.

5) Bituminous Plant Mix is rated at \$32/ton as compared to \$26/ton for Bituminous Aggregate Mixtures. See Section 650. Appendix A of this Part. However, the plant's hourly capacity remains the same. Therefore, the dollar value of outstanding Bituminous Aggregate Mixtures shown on the Affidavit of Availability will be increased by twenty percent in determining available work rating for Bituminous Plant Mix if a contractor's plant produces both Class I and B&M.

- b) In order to be issued an Authorization to Bid, a contractor's Available Work Ratings for all applicable categories must equal or exceed 50 percent of the estimated value of the contract, less

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designated specialty items. For Division of Aeronautics work, the Available Work Ratings must equal or exceed 51 percent of the estimated value. A contractor's Available Financial Rating must equal or exceed 95--percent--of the total estimated value of each contract. However, the low bidder will not be awarded the contract unless the Available Financial Rating equals or exceeds the actual price bid.

- c) The Department will occasionally advertise for bids a contract which consists of an item or items which are of the type commonly constructed by the Capital Development Board (such as general building construction, roofing, plumbing, heating, ventilation and air conditioning) rather than by the Department of Transportation. In such instances, the advertisement will indicate waiver of prequalification under the rules of the Department according to Section 650.70 and will specify prequalification by the Capital Development Board pursuant to 44 Ill. Adm. Code 950. Any contractor requesting Authorization to Bid on such a project should include a current "Capitol Development Board Certificate of Contractor Prequalification."

(Source: Amended at 24 Ill. Reg. 24 24, effective 24 24)

Section 650.330 Issuance of Authorization to Bid

- a) There is no limit to the number of Authorizations to Bid issued a contractor as long as the available bidding capacity satisfies the requirements of each individual contract. If the contractor is the low bidder on two or more contracts and the sum of the bids exceeds the available bidding capacity, the Department will select the contract or contracts for award.

b) Authorization to Bid will not be issued on documentation received after 4:30 p.m. prevailing time on the cut-off date indicated in the Transportation Service Bulletin. In addition, any request to be removed from the bidder's list or to dissolve a joint venture must be received prior to the time indicated in the previous statement.

c) Under certain circumstances, the Department may ~~shall~~ issue Authorization to Bid to a firm without restriction based on available bidding capacity. ~~The firm must possess an unlimited financial rating and two unlimited work ratings (see Section 650.200 of this Part) or possess a financial rating of \$150 million or a net worth of \$40 million. There must also be no evidence of any past performance problems on any previous contracts.~~ To be considered for unrestricted authorization, the contractor must satisfy either of the following conditions, must not be behind the approved contract progress schedule on any current contract, and must be rated not less than 6.0 in the performance factor calculation. (See Section 650.240 of this Part.)

- 1) A financial rating of \$300 million.
- 2) A financial rating of at least \$150 million or a Department calculated net worth of at least \$40 million, either in

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Federal regulations establishing and implementing the disadvantaged business enterprise (DBE) program (49 CFR 26) applicable to all United States Department of Transportation programs require the Department to maintain a participant list that includes all firms that bid on federal-aid contracts and that bid or quote on subcontracts to federal-aid contracts. The purpose of this Subpart C is to establish and maintain a participant list of all firms that are participating or are attempting to participate on federal-aid contracts. This Subpart C also extends coverage of the list to all Department contracts regardless of funding.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 650.370 Registration of Subcontractors

- a) All firms desiring to bid or quote subcontract work to prequalified contractors holding authorization to bid on contracts advertised by the Department shall register on an annual basis for inclusion in the participant list. Prequalified contractors are included automatically on the participant list. Contractors that are not prequalified but that desire to bid or quote subcontract work on any Department contract shall register in accordance with this Subpart C.
- b) The Department shall furnish an electronic registration form for use by potential subcontractors desiring registration. The electronic form is obtained and shall be completed at the Department's web site at www.dot.state.il.us. Requests for information regarding registration and the electronic form may be made by mail or by telephone to:

Illinois Department of Transportation
Bureau of Construction, Prequalification Section
2300 S. Dirksen Parkway, Room 322
Springfield, IL 62764
(217) 782-6667

- c) The following information will be required to be reported on the registration form:
- 1) the firm's name,
 - 2) the firm's address and telephone number,
 - 3) the firm's status as a DBE or non-DBE,
 - 4) the date the firm was established and its form of business organization,
 - 5) the annual gross receipts of the firm for the prior fiscal year of the firm, and
 - 6) the owners of the firm.
- d) A registered firm will be issued a confirmation number.

(Source: Added at 24 Ill. Reg. _____, effective _____)

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conjunction with two or more work ratings calculated to equal or exceed \$50 million each.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 650.350 Denial of Authorization to Bid

The Department will not issue Authorization to Bid for any of the following reasons:

- The contractor ~~potential--bidder~~ is not prequalified under the provisions of this Part.
- The contractor ~~potential--bidder~~ will not be prequalified on the day of the scheduled letting which is the subject of the Request for Authorization to Bid.
- The contractor ~~potential--bidder~~ has uncompleted work on previously awarded contracts which, in the judgment of the Department, might hinder or prevent the prompt completion of additional work if awarded.
- The contractor ~~potential--bidder~~ has provided false information on a bidder's Affidavit of Availability or has not promptly notified the Department of subsequent awarded contracts or pending awards.
- The contractor ~~potential--bidder~~ has failed to submit final documentation on any open contract or to pay, or satisfactorily settle, all bills due for labor and material on previously awarded contracts in force at the time of issuance of proposal forms.
- The contractor ~~potential--bidder~~ has failed to comply with this Part or the bidding procedures of the Department.
- The contractor ~~potential--bidder~~ has defaulted or otherwise breached its obligations on Department awarded contracts or contracts approved for award by the Department; has failed to execute an awarded contract; or has caused the readvertisement of a project through mistakes or neglect in the bidding procedures.
- When any agent, servant, employee, associated organization, affiliate or related entity of the contractor ~~prospective---bidder~~ has participated in the preparation of plans, specifications or special provisions for the proposed work.
- The contractor ~~potential--bidder~~ is subject to revocation of prequalification ratings in accordance with Section 650.110 of this Part or revision of prequalification ratings in accordance with Section 650.130 of this Part.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: SUBCONTRACTOR REGISTRATION

Section 650.360 Purpose

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Section 650.380 Eligibility to Quote or Perform Subcontract Work

No prequalified contractor who is issued an authorization to bid in accordance with this Part may solicit or accept bids or quotes from potential subcontractors, for the performance of work on contracts, that are not registered with the Department in accordance with this Subpart C. This requirement will be enforced by appropriate contract provisions.

(Source: Added at 24 Ill. Reg. 101.10, effective

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Section 650.APPENDIX A AVAILABLE WORK CATEGORIES

- 1 Earthwork
- 2 Portland Cement Concrete Paving
- 3 Bituminous Plant Mix
- 4 Bituminous Aggregate Mixtures
- 5 Miscellaneous Bituminous Paving
- 6 Cleaning and Sealing Cracks & Joints
- 7 Soil Stabilization and Modification
- 8 Aggregate Bases & Surfaces (A,B)
- 9 Structures (H,RR,W)
- 10 Structures Repair
- 11 Anchors and Tiebacks
- 12 Drainage
- 13 Drainage Cleaning
- 14 Electrical
- 15 Cover and Seal Coats (A,B)
- 16 Slurry Applications
- 17 Miscellaneous Concrete Construction
- 18 Landscaping
- 19 Seeding and Sodding
- 20 Vegetation Spraying
- 21 Tree Trimming and Selective Tree Removal
- 22 Fencing
- 23 Guardrail
- 24 Grouting
- 25 Painting
- 26 Signing
- 27 Paint Pavement Marking
- 28 Thermoplastic Pavement Marking
- 29 Epoxy Pavement Marking
- 30 Installation of Raised Pavement Markers
- 31 Pavement Texturing and Surface Removal
- 32 Cold Milling, Planing and Rotomilling
- 33 Erection
- 34 Demolition
- 35 Fabrication
- 36 Tunnel Excavation
- 37 Expressway Cleaning
- 38 Railroad (Track) Construction
- 39 Marine Construction
- 40 Hydraulic Dredging
- 41 Hot (in-place) Recycling
- 42 Cold (in-place) Recycling

EARTHWORK

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Consists of clearing, grubbing, tree removal (except selective tree removal), hedge removal, roadway excavation, channel excavation, borrow excavation, special excavation, topsoil excavation and placement, ditch excavation, common excavation, solid rock excavation, mine refuse excavation, pavement removal, hauling, embankment (earth, stone, gravel or other materials), backfilling (all types of materials), grading, compacting and trenching. This category is also applicable to projects involving Demolition (see definition), riprap installation, construction of aggregate ditch, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks) and removals. In addition, this category is applicable to Seeding (see definition at Section 650-20) for Land Reclamation projects.

EQUIPMENT: Scrapers, gradalls, graders, cranes, shovels, excavators, backhoe loaders, front-end loaders, skid-steer loaders, bulldozers, sheeps foot rollers, vibratory rollers or fine grading equipment are required to establish a rating.

CALCULATION OF WORK RATING: Primary or advanced formula.

Equipment	Equipment factor (EqF)
Self-propelled scrapers	\$21,000 per cubic meter of heaped capacity
Pull type scrapers	\$16,000 per cubic yard of heaped capacity \$12,000 per cubic meter of heaped capacity \$9,000 per cubic yard of heaped capacity \$115,000 each \$100,000 each
Gradalls	\$360,000 for .5 cubic meter bucket size
Cranes, shovels, excavators and backhoe loaders	\$405,000 for .75 cubic meter bucket size \$480,000 for 1 cubic meter bucket size \$580,000 for 1.25 cubic meter bucket size \$730,000 for 1.5 cubic meter bucket size \$800,000 for 1.75 cubic meter bucket size \$880,000 for 2 cubic meter bucket size \$1,060,000 for 2.5 cubic meter bucket size \$1,400,000 for 3 cubic meter bucket size \$1,730,000 for 3.5 cubic meter bucket size \$375,000 for .75 cubic yard bucket size \$405,000 for 1 cubic yard bucket size \$460,000 for 1.25 cubic yard bucket size \$550,000 for 1.5 cubic yard bucket size \$635,000 for 1.75 cubic yard bucket size \$750,000 for 2 cubic yard bucket size

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Front-end loaders	\$835,000 for 2.5 cubic yard bucket size \$1,010,000 for 3 cubic yard bucket size \$1,210,000 for 3.5 cubic yard bucket size \$1,440,000 for 4 cubic yard bucket size \$1,610,000 for 4.5 cubic yard bucket size \$115,000 for less than 1.5 cubic meter bucket size \$210,000 for 1.5 to 2 cubic meter bucket size \$340,000 for 2.1 to 3 cubic meter bucket size \$475,000 for 3.1 to 4 cubic meter bucket size \$605,000 for greater than 4 cubic meter bucket size \$115,000 for less than or equal to 2 cubic yard bucket size \$230,000 for 2.1 to 3 cubic yard bucket size \$375,000 for 3.1 to 4 cubic yard bucket size \$460,000 for 4.1 to 5 cubic yard bucket size \$605,000 for greater than 5 cubic yard bucket size \$50,000 each \$200,000 each \$200,000 each \$50,000 each \$15,000 each \$15,000 each \$1.35 per liter \$5 per gallon \$20,000 per cubic meter of heaped capacity \$15,000 per cubic yard of heaped capacity	Skid-steer loaders Bulldozers Fine grading equipment Self-propelled rollers Pull-type rollers Disc Water truck Off-road and bottom-dump trucks
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PORTLAND CEMENT CONCRETE (PCC) PAVING

Consists of constructing pcc pavement, continuously reinforced pcc pavement, pcc base course and pcc base course widening, cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base and pozzolanic stabilized base course. This category is also applicable to Miscellaneous Concrete Construction

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(see definition at Section-650-20).

EQUIPMENT: A central mix plant or a batch plant with truck mixers transit mixer-trucks, formless paver and finishing machine. A concrete plant with either a formless paver or a finishing machine is the minimum equipment requirement.

CALCULATION OF WORK RATING: Primary or advanced formula. Concrete-plant-used for-retail-sales-are-not-eligible.

Equipment	Equipment factor (EqF)
Central Mix Plant and Batch Plant*	(C.M./Batch) X (20 Batches/Hr.) X (8 Hrs./Day) X (80 Days/Yr.) X (\$105/C.M.) X (1.0) for an approved plant
	(C.Y./Batch) X (20 Batches/Hr.) X (8 Hrs./Day) X (80 Days/Yr.) X (\$80/C.Y.) X (1.0)
Central Mix Dual Plant and Dual Batch Plant*	(C.M./Batch) X (20 Batches/Hr.) X (8 Hrs./Day) X (80 Days/Yr.) X (\$105/C.M.) X (1.7) for an approved plant
	(C.Y./Batch) X (20 Batches/Hr.) X (8 Hrs./Day) X (80 Days/Yr.) X (\$80/C.Y.) X (1.7)

*To receive the maximum equipment factor (EqF) for a batch plant, the contractor shall possess a minimum of one truck mixer transit-mixer-truck for every cubic yard of batch capacity of the plant.

BITUMINOUS PLANT MIX

The placement of bituminous concrete binder and surface course (Class I and Superpave), bituminous concrete base course widening, bituminous base course, bituminous aggregate mixture stabilized sub-base, bituminous shoulder, bituminous curb, bituminous gutter, bituminous curb and gutter, bituminous sidewalk, bituminous driveway, bituminous median, bituminous patching, open graded asphalt friction course and incidental bituminous surfacing. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Miscellaneous Bituminous Paving (see definition at Section-650-20).

EQUIPMENT REQUIRED: An approved A bituminous (HMA) plant approved-by-the

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Bureau-of-Materials-and-Physical-Research-for-Class-I-production, an approved bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

Plant Production Rating	Equipment Factor (EqF)
Metric Tons Per Hour (MTPH)	MTPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$35/Ton) X-(4-00)-approved-plant-or-tentative-approval-type-A
	MTPH-X-(8-Hrs-/Day)-X-(80-Days/Yr.)-X-(95-/Ton)-X-(0-50)-tentative-approval-type-B
	MTPH-X-(8-Hrs-/Day)-X-(80-Days/Yr.)-X-(95-/Ton)-X-(0-25)-tentative-approval-type-C
Tons Per Hour (TPH)	TPH X (8 Hrs./Day) X (80 Days/Yr.) X (\$32/Ton) X-(4-00)-for-approved-plant-or-tentative-approval-type-A
(Established-by Bureau-of Materials-and Physical-Research)	TPH-X-(8-Hrs-/Day)-X-(80-Days/Yr.)-X-(93-/Ton)-X-(4-50)-for-tentative-approval-type-B
	TPH-X-(8-Hrs-/Day)-X-(80-Days/Yr.)-X-(93-/Ton)-X-(4-25)-for-tentative-approval-type-C

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures. **Tentative approval-is-an-evaluation-of-a-plant-by-the-Bureau-of-Materials-and-Physical-Research-prior-to-final-approval.**

BITUMINOUS AGGREGATE MIXTURES

Consists of the placement of bituminous aggregate mixture, stabilized sub-base and bituminous shoulder. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Miscellaneous Bituminous Paving (see definition at Section-650-20).

EQUIPMENT REQUIRED: An approved A bituminous (HMA) plant approved-by-the Bureau-of-Materials-and-Physical-Research, an approved bituminous spreading and

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CALCULATION OF WORK RATING: Secondary formula.

CLEANING AND SEALING CRACKS & JOINTS

Consists of routing and sealing cracks for asphaltic and concrete pavements.

EQUIPMENT REQUIRED: Router and melter.

CALCULATION OF WORK RATING: Secondary formula.

SOIL STABILIZATION AND MODIFICATION

Consists of constructing soil-cement base course and lime modified soils.

EQUIPMENT REQUIRED: Grader, rotary speedmixer, mechanical spreader, water tanker and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

AGGREGATE BASES & SURFACES (TYPE A)

Consists of constructing granular sub-base, aggregate base course, aggregate surface course, aggregate shoulders and aggregate-turf pavement. Also includes construction of cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base, pozzolanic stabilized base course, lime modified soils (disc harrow method), calcium chloride applications, and sub-ballast.

AGGREGATE BASES & SURFACES (TYPE B)

Consists of hauling and spreading aggregate.

EQUIPMENT REQUIRED: Grader or mechanical spreader, and compaction equipment if applicable.

CALCULATION OF WORK RATING: Primary or advanced formula.

Equipment

Equipment Factor (EqF)

Grader and compaction equipment (Type A)

\$375,000 each

Mechanical spreader and compaction equipment (Type A)

\$375,000 each

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finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

Plant Production Rating Equipment Factor (EqF)

Metric Tons Per Hour (MTPH) $MTPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$29/\text{Ton})$
 $\times \{1-00\}$ - approved - plant - or - tentative - approval - type - A

MTPH $\times \{0-50\}$ - tentative - approval - type - B
 $\times \{0-50\}$ - tentative - approval - type - B

MTPH $\times \{0-25\}$ - tentative - approval - type - C
 $\times \{0-25\}$ - tentative - approval - type - C

Tons Per Hour (TPH) $TPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$26/\text{Ton}) \times \{1-00\}$
for - approved - plant - or - tentative - approval - type - A

TPH $\times \{0-50\}$ - tentative - approval - type - B
for - tentative - approval - type - B

TPH $\times \{0-25\}$ - tentative - approval - type - C
for - tentative - approval - type - C

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures. Tentative approval is an evaluation of a plant by the Bureau of Materials and Physical Research prior to final approval.

MISCELLANEOUS BITUMINOUS PAVING

Consists of placing bituminous base, surface, widening or shoulders with a bituminous spreading and finishing machine. This category is restricted to either 1,200 tons in any one contract (Class I or BAM) or as specified by the local agency. Bituminous curb and gutter, sidewalk, driveway, median and patching are not to be included in the tonnage determination. This work can also be completed under Bituminous Plant Mix and Bituminous Aggregate Mixtures categories.

EQUIPMENT REQUIRED: An approved bituminous spreading and finishing machine and compaction equipment.

DEPARTMENT OF TRANSPORTATION

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Grader (Type B)
 Mechanical Spreader (Type B)
 Widener

\$375,000 each
 \$375,000 each
 \$200,000 each

STRUCTURES (HIGHWAY)

Consists of excavation for structures (includes cofferdams, temporary cribs, etc.), constructing concrete structures (bridges, box culverts, etc.), membrane waterproofing, constructing steel structures (bridges, corrugated structural plate drainage structures, etc.), constructing metal railings, constructing timber structures (bridges, etc.), erection ~~Section~~ ~~(see-definition-of-this~~ and following work-categories-at-Section-650-20, installation of reinforcement bars, piling (all types), and construction of temporary bridges. This category is also applicable to Structures Repair, Demolition, Miscellaneous Concrete Construction, Fencing and Signing.

EQUIPMENT REQUIRED: see Structures (Waterway) Equipment.

CALCULATION OF WORK RATING: see Structures (Waterway) Calculation.

Consists of items listed above. This category is specific to structures carrying railroad transportation.

STRUCTURES (RAILROAD)STRUCTURES (WATERWAY)

Consists of the construction of major structures and appurtenances for water storage and distribution, flood control and recreation. This includes dams, spillways, spillway crest gates, sluiceway, sluiceway gates, canals, channel appurtenances (culverts, flumes, inverted siphons, etc.), pump stations (including mechanical equipment), aqueducts, irrigation structures (checks, dams, gates, etc.), locks and dams, dikes, groins and jetties. This category also includes excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering and Demolition ~~(see-definition-at~~ Section-650-20).

EQUIPMENT: Bulldozers, front-end loaders, shovels, cranes, backhoe loaders, excavators, pile hammers and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures rating for \$150,000 or less.

DEPARTMENT OF TRANSPORTATION

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CALCULATION OF WORK RATING: Secondary formula.

STRUCTURES REPAIR

Consists of bridge deck repair or bridge deck removal and replacement. This includes the use of latex modified concrete, polymer concrete, epoxy and other materials for patching, deck overlays, sealing, etc. Also includes membrane waterproofing, constructing metal railings, installation of reinforcement bars, superstructure repairs such as replacement of joints, replacement of bearings, beam straightening (heat or mechanical), repair and retrofit of fracture and fatigue distressed steel girders, member strengthening, etc. Substructure repairs are also included and consist of the use of epoxy, shotcrete and other materials for minor repairs of spalled or deteriorated concrete. This category is also applicable to Miscellaneous Concrete Construction, Fencing and Signing ~~(see-definitions-at--Section--650-20)~~. This work can be completed under the Structures (Highway) category.

EQUIPMENT: Front-end loaders, cranes, backhoe loaders, excavators and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures repair rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

ANCHORS AND TIEBACKS

Construction of all types of anchors and tiebacks which provide resistance to lateral and uplift forces in bridge abutments, retaining walls, bulkheads, dams, deep excavations and various support systems (underpinning, etc.).

EQUIPMENT REQUIRED: Auger, drilling, or jacking equipment. Grouting equipment to include air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

DRAINAGE

Consists of the installation and removal of precast concrete box culverts, installation and removal of pipe culverts and storm sewers, relining of pipe culverts and storm sewers, installation of pipe drains and pipe underdrains, exploration trenches for locating farm underdrains, minor boring and jacking of

DEPARTMENT OF TRANSPORTATION

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pipe-in-place, installation of cast iron soil pipe, installation of water mains and water service lines, adjusting sanitary sewers and water service lines, construction of catch basins, manholes, inlets, inspection holes and valve vaults, minor cleaning of catch basins, adjustment and reconstruction of catch basins, manholes, inlets, inspection holes and valve vaults, installation of adjustment of frames and grates, filling existing manholes, catch basins, inlets, wells and drainage structures, moving fire hydrants, moving domestic meter vaults and water service boxes, riprap installation, construction of aggregate ditch, installation of excelsior blanket, fiber mat and fiberglass roving, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks), construction of trench and backfill for communication cables, ducts and conduits, construction of inverted siphons, construction of flumes, construction of pump stations (including mechanical equipment) and installation of corrugated structural plate drainage structures. This category is also applicable to de-watering projects, well drilling, slurry trench cut-off walls (soil-bentonite or cement-bentonite), and Drainage Cleaning.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator.

CALCULATION OF WORK RATING: Secondary formula.

DRAINAGE CLEANING

Consists of cleaning of pipe culverts, storm sewers and catch basins. This work can also be completed under the Drainage Category.

EQUIPMENT REQUIRED: Vacuum or jetting equipment.

CALCULATION OF WORK RATING: Secondary formula.

ELECTRICAL

Consists of the installation of electric cable, duct and conduits, construction of trench and backfill for cables, ducts and conduits, traffic surveillance and control installations, traffic signal installations, installation of light pole, installation of light tower, installation of vapor luminaire, installation of sign lighting, installation of temporary lighting systems, installation of navigational lighting systems, installation of photocell relay service, installation of airport lighting systems, installation of airport beacon towers and airport rotating beacons, and other appropriate illumination systems. This category is also applicable to electronic weigh scale installations, installation and maintenance of motorist call box systems and installation of electrical controls/mechanical equipment for pump stations.

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EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator or aerial equipment.

CALCULATION OF WORK RATING: Secondary formula.

COVER AND SEAL COATS (TYPE A)

Consists of the application of bituminous materials for priming, road oiling, cover coating and seal coating.

COVER AND SEAL COATS (TYPE B)

Consists of sealing parking lots and driveways.

EQUIPMENT REQUIRED: Distributor (Type A) or aggregate-spreader-(Type-B).

CALCULATION OF WORK RATING: Primary or advanced formula.

EquipmentEquipment Factor (EqF)

Distributor (Type A)	\$400,000 each
Tanker Truck*(Type A)	\$ 50,000 each
Spreader-(Type-B)	\$400,000--each
*A maximum of two (2) tanker trucks per distributor will be allowed.	

SLURRY APPLICATIONS

Consists of slurry sealing and micro-surfacing.

EQUIPMENT REQUIRED: Slurry or micro-surfacing equipment.

CALCULATION OF WORK RATING: Secondary formula.

MISCELLANEOUS CONCRETE CONSTRUCTION

Consists of masonry work or the construction of concrete barrier, curb, gutter, combination curb and gutter, sidewalk, driveway pavement, median, paved ditch, flumes, slope wall, retaining wall, railroad crossing, pavement, base course, base course widening and all types of pavement patching. This category also includes construction of revetment mats (cast-in-place concrete slabs),

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construction of foundations (light pole, light tower, etc.) and various undersealing projects which allow the voids to be filled by gravity flow. Removal of concrete which consists of any of the aforementioned items or similar items is applicable to this work rating. This category is also applicable to construction of box culverts and other similar miscellaneous drainage structures. The total of pavement, base course and base course widening cannot exceed 15,000 square yards in any one contract. This work can also be completed under the PCC Paving and Structures (Highways, Waterways) categories.

EQUIPMENT: Concrete saws, generators, vibrators, forms, tampers, screeds and concrete placement equipment.

CALCULATION OF WORK RATING: Secondary formula.

LANDSCAPING

Consists of planting trees, shrubs, vines and other materials. This category also includes applying fertilizing nutrients, mulching, watering, pruning and selective removal of unwanted plants and Seeding and Sodding ~~(see-definition-at Section-650-20)~~.

EQUIPMENT: Auger equipment or hoe, tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers, tree spade and water trucks. Seed bed preparation and seeding equipment, a tractor loader and a water truck is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

SEEDING AND SODDING

Consists of seeding, sodding, applying fertilizer nutrients, mulching, watering, installation of excelsior blanket, fiber mat and other erosion work. This work can also be completed under the Landscaping category.

EQUIPMENT: Tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers and water tankers. Seed bed preparation, and seeding equipment, a mulch-blower and a tractor is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

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VEGETATION SPRAYING

Consists of the application of chemicals to remove or control vegetation.

EQUIPMENT REQUIRED: Tanker truck with on- and off-road spraying equipment.

CALCULATION OF WORK RATING: Secondary formula. The contractor must have an Illinois Commercial Pesticide Applicator's license. Workers must have an Illinois Commercial Pesticide Operator's license issued by the Illinois Department of Agriculture.

TREE TRIMMING AND SELECTIVE TREE REMOVAL

Consists of commercial arborist work such as trimming and thinning of trees, root pruning and removal of individual trees and tree stumps.

EQUIPMENT REQUIRED: Aerial equipment, brush chipper, pruning tools and stump grinder.

CALCULATION OF WORK RATING: Secondary formula.

FENCING

Consists of constructing chain link fence, wire fence and wood fence. This category is also applicable to the installation of object markers, delineators and mile post markers. This work can also be completed under the Structural (Highway, Railroad) and Structures Repair categories.

EQUIPMENT: Post hole auger equipment needed for Fencing rating of \$200,000 or more.

CALCULATION OF WORK RATING: Secondary formula.

GUARDRAIL

Consists of constructing steel plate beam guardrail, wood guardrail, cable road guard, posts (including guard posts), pipe handrail and metal railings. Removal of any of the aforementioned items or similar items is applicable to this work category.

EQUIPMENT REQUIRED: Post hammer or post hole auger.

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CALCULATION OF WORK RATING: Secondary formula.GROUTING

Consists of shotcrete **gunite** construction, lime injection systems, clay grouting, chemical grouting, compaction grouting, cement grouting, jet grouting, asphalt grouting and bituminous or cement fly ash undersealing of concrete pavements. Applicable to soil stabilization and rehabilitation of dams, bridges, sewers, tanks, reservoirs, tunnels, culverts, walls, masonry structures, etc. This category is also applicable to mud jacking, slab jacking and various under-sealing projects.

EQUIPMENT REQUIRED: Air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.PAINTING

Consists of the cleaning, containment and painting of metal surfaces. This includes structural steel, sign structures, sign supports, traffic signal hardware, lighting hardware, etc.

EQUIPMENT REQUIRED: Air compressor, sandblast equipment and paint spraying equipment.

CALCULATION OF WORK RATING: Secondary formula.SIGNING

Consists of installing, relocating, renovating, refurbishing and cleaning sign panels. This category also includes the installation and relocation of sign supports and sign structures, installation of object markers, installation of delineators and installation of mile post markers. Removal of any of the aforementioned items is also applicable to this work category. This work can also be completed under the Structures (Highway) and Structure Repair categories.

EQUIPMENT REQUIRED: Auger and aerial equipment. A crane will also meet minimum equipment requirements. Auger only will be limited to roadside signing.

CALCULATION OF WORK RATING: Secondary formula.

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PAINT PAVEMENT MARKING

Consists of the installation of paint pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated painting equipment.

CALCULATION OF WORK RATING: Secondary formula.THERMOPLASTIC PAVEMENT MARKING

Consists of the installation of thermoplastic pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated equipment which is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.EPOXY PAVEMENT MARKING

Consists of the installation of epoxy pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment which is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.INSTALLATION OF RAISED PAVEMENT MARKERS

Consists of the installation of raised reflective pavement markers and their removal.

EQUIPMENT REQUIRED: Plunge router or saw.

CALCULATION OF WORK RATING: Secondary formula.PAVEMENT TEXTURING AND SURFACE REMOVAL

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Consists of grooving or grinding PCC pavement or continuously reinforced PCC pavement.

EQUIPMENT REQUIRED: Grooving or grinding equipment.

CALCULATION OF WORK RATING: Secondary formula.

COLD MILLING, PLANING AND ROTOMILLING

Consists of bituminous surface removal or texturing bituminous pavements. Also applicable to pulverizing and mixing existing bituminous material.

EQUIPMENT REQUIRED: Milling, planing or grinding machine.

CALCULATION OF WORK RATING: Secondary formula.

ERECTION

Consists of erecting structural steel or sign trusses. This work can be completed under the Structures (Highway, Railroad) category.

EQUIPMENT REQUIRED: Crane.

CALCULATION OF WORK RATING: Secondary formula.

DEMOLITION

Consists of the removal of timber, steel and concrete structures and buildings. This work can be completed under the Structures (Highway, Railroad, Waterway) and Earthwork categories.

EQUIPMENT REQUIRED: Crane or excavator or front-end loader, backhoe loader or bulldozer.

CALCULATION OF WORK RATING: Secondary formula.

FABRICATION

Consists of fabricating, delivering and storing structural steel.

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EQUIPMENT REQUIRED: Fabrication plant.

CALCULATION OF WORK RATING: Secondary formula. ~~The contractor must be listed on the AISC Register of Certified Structural Steel Fabricators and have a Certification Category of I, II or III to fabricate main load-carrying components.~~

TUNNEL EXCAVATION

Consists of earth and rock excavation for tunnels, and construction of liner plate shafts, steel sheeted shafts and wood sheeted shafts. This category also includes rock bolting and major boring and jacking of pipe-in-place.

EQUIPMENT REQUIRED: Tunnel boring machine.

CALCULATION OF WORK RATING: Secondary formula.

RAILROAD (TRACK) CONSTRUCTION

Consists of sub-ballast construction, ballast construction, installation of cross-ties and installation of steel rails.

EQUIPMENT REQUIRED: Ballast regulator, tamper and lifting equipment.

CALCULATION OF WORK RATING: Secondary formula.

EXPRESSWAY CLEANING

Consists of sweeping expressways and arterial routes.

EQUIPMENT REQUIRED: Motorized street sweeping equipment.

CALCULATION OF WORK RATING: Secondary formula.

MARINE CONSTRUCTION

Consists of the construction of harbors and docking facilities on lakes or rivers. This includes breakwater structures, groins, jetties, seawalls, major revetments (rip-rap, interlocking concrete blocks and cast-in-place concrete slabs), bulkheads, piers, wharves, fenders and dolphins. This work category is

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

also applicable to excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering, mechanical dredging, underwater inspection and underwater repair.

EQUIPMENT REQUIRED: Barge and barge-mounted crane.

CALCULATION OF WORK RATING: Secondary formula.

HYDRAULIC DREDGING

Dredging of various waterways by the use of pumping equipment.

EQUIPMENT REQUIRED: Barge and pumping equipment.

CALCULATION OF WORK RATING: Secondary formula.

HOT (IN-PLACE) RECYCLING

A road construction technique that involves a single-pass or a two-pass operation which scarifies and rejuvenates the existing pavement material or combines existing pavement material with virgin material.

EQUIPMENT REQUIRED: Either a single recycle machine or a recycling train capable of heating, scarifying, remixing and relaying pavement material. Compaction equipment is also required.

CALCULATION OF WORK RATING: Secondary formula.

COLD (IN-PLACE) RECYCLING

A road construction technique that reuses existing pavement material.

EQUIPMENT REQUIRED: Emulsion tanker truck, recycle machine, paver and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

(Source: Amended at 24 Ill. Reg. 13.03, effective

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 650 APPENDIX C FINANCIAL PLEDGE LETTERS (REPEALED)

gineer-of-Construction
Illinois-Department-of-Transportation
2300-South-Birken-Parkway--Room-322
Springfield-IL--62764
Individual-pledge-to-a-Contractor
with-an-Audited-or-Unaudited
Financial-Statement

Bear----->

To-improve-the-financial-qualification-rating-of-(firm)-(pledgor)-pledge
the-following-assets-to-(firm)-for-the-life-of-the-(date-of-balance-sheet)
Contractor's-Statement-of-Experience-and-Financial-Condition:

If-a-bank-account:

- A) Name-of-bank
- B) Location-of-bank
- C) Name-of-account-holder(s)
- B) Amount
- B) Disclosure-of-any-pledge
{Example:--A-pledge-against-a
Certificate-of-Deposit}

If-equipment:

- A) Description-(year-make-
---model-year--serial-number
---and-size-or-capacity)
- B) Owner(s)
- C) Book-or-appraised-value
- B) Disclosure-of-any-encumbrance

If-real-estate:

- A) Description
- B) Owner(s)
- C) Book-or-appraised-value
- B) Disclosure-of-any-encumbrance

If-other-investments:

- A) Description
- B) Owner(s)
- C) Book-or-market-value
- B) Disclosure-of-any-pledge
{Example:--A-pledge-against-a-stock-or
bond}

Note:--Verification-is-required-for-bank-accounts-and-investments-involving
contractors-who-are-classified-under-unaudited-status.

Signature(s)

Engineer-of-Construction
Illinois-Department-of-Transportation
2300-South-Birken-Parkway--Room-322
Springfield-IL--62764

Affiliated-Company-Pledge
to-a-Contractor-with
an-Audited-or-Unaudited
Financial-Statement

Bear----->

To-improve-the-financial-qualification-rating-of-(firm)-(pledgor)-pledge
the-following-assets-of-our-financial-statement-to-(firm)-for-the-life-of-the

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

{date-of-balance-sheet}-Contractor's--Statement--of--Experience--and--Financial
Condition-

Signature(s)

(Source: Repealed at 24 Ill. Reg. 13773, effective
_____)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

Section 650 APPENDIX E CORPORATE RESOLUTION (REPEALED)

CORPORATE RESOLUTION

At-a-meeting--held--on -----(date)--- at -----(location)-----, the
following-was-approved:

{Financial-Pledge-by-An-Affiliated-Company}

{pledgor}-pledge--the--assets--of--our--financial--statement--to--(firm)--for
the--life--of--the--(date--of--balance--sheet)--Contractor's--Statement--of
Experience--and--Financial--Condition-

{Equipment-Pledge}

{pledgor}-pledge--the--following--equipment--(list-equipment)--for--the
exclusive--use--of--(pledgee)--for--the--life--of--the--(date--of--balance--sheet)
Contractor's--Statement--of--Experience--and--Financial--Condition-

{Transfer-of-Financial-or-Work-Rating}

{transferor-firm}-transfers --(amount)-- of--its--prequalification
(indicate-financial-or-work-ratings)-to--(transferee-firm)--for--the--life
of--the--(date--of-balance-sheet)-Contractor's--Statement--of--Experience
and--Financial--Condition-----The--(shareholder's)--own--(percent)--of
(transferor-firm)-and--(percent)-of--(transferee-firm)-

This--Resolution--was---signed---this---date ----, 19-- at
-----, Mo-----Day
{location}

Signature(s)

Corporate Seal (Optional)

(Source: Repealed at 24 Ill. Reg. 13773, effective
_____)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Illinois Promotion Act Programs

2) Code Citation: 14 Ill. Adm. Code 510

<u>Section Numbers:</u>	<u>Emergency Action:</u>
510.105	New Section
510.185	Amended
510.207	New Section
510.285	Amended
510.300	New Section

4) Statutory Authority: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

5) Effective Date of Amendment: December 8, 2000

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: None

7) Date Filed with the Index Department: December 8, 2000

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The emergency amendment is needed to allow flexibility with respect to submission deadlines for grant applications. The Department has been recently made aware of several seemingly viable tourism promotion projects which it is unable to evaluate under the current rules because submission dates have passed, notwithstanding the fact that FY01 funds remain available for expenditure for projects which further the purposes of the Illinois Promotion Act. Additionally, the emergency rule provides clarification with respect to the issue of eligibility of costs incurred prior to award date, which is necessary to reflect the reality that applicants are often required to incur costs for the proposed project prior to being notified of award by the Department. The emergency rule simply allows the Department to consider costs incurred prior to date of award; the applicant has no recourse against the Department if the Department determines that it will not approve such costs.

10) A Complete Description of the Subjects and Issues Involved: A new Section was added to each program (Tourism Marketing Partnership Program, Tourism Attraction Development Loan and Grant Program, and the Tourism Private Sector Grant Program) which provides for limited waiver by the Director of the Department relative to deadlines for submission of applications. In addition, the Tourism Attraction Development Loan and Grant program and the Tourism Private Sector Grant Program were revised to allow for inclusion of costs incurred prior to award date as allowable match or

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

grant expenditures so long as the Department determines that such costs are otherwise compliant with grant program rules.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

13) Information and questions regarding these amendments shall be directed to:

Ms. Raya Bogard
Administrative Code Rules Manager
Department of Commerce and Community Affairs
James R. Thompson Center
100 West Randolph, Suite 3-400
Chicago IL 60601
(312) 814-9593

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 510

ILLINOIS PROMOTION ACT PROGRAMS

SUBPART A: TOURISM MARKETING PARTNERSHIP PROGRAM

Section

510.10 Authority
 510.20 Definitions
 510.30 Computation of Time
 510.40 Allocation of Appropriations to Applicants
 510.50 Form of Application
 510.60 Application Procedures
 510.70 Department Review Procedures
 510.80 Agreement
 510.85 Administrative Requirements
 510.90 Provision for Amendment to This Part
 510.100 Severability
 510.105 Waiver; Prior Incurred Costs
EMERGENCY

SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

Section

510.110 Purpose
 510.120 Definitions
 510.130 Eligible Uses of Loan and Grant Funds
 510.140 Eligible Applicants
 510.150 Funding Limitation
 510.160 Application Cycle
 510.170 Application Documentation
 510.175 Evaluation Process
 510.180 Selection for Funding
 510.185 Leverage
EMERGENCY

510.190 Allocation of Appropriations
 510.195 Administrative Requirements for Loans
 510.200 Administrative Requirements for Grants
 510.205 Administrative Requirements for Loans and Grants
 510.207 Waiver; Prior Incurred Costs
EMERGENCY

SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

Section

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

Purpose

510.210 Definitions
 510.220 Eligible Uses of Grant Funds
 510.230 Eligible Applicants
 510.240 Funding Limitation
 510.250 Application Cycle
 510.260 Application Documentation
 510.270 Evaluation Process
 510.275 Selection for Funding
 510.280 Matching Funds
EMERGENCY

510.290 Administrative Requirements for Grants
 510.300 Waiver; Prior Incurred Costs
EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. 10394, effective June 1, 1998; emergency amendment at 24 Ill. Reg. 6718, effective April 17, 2000, for a maximum of 150 days; emergency expired September 13, 2000; amended at 24 Ill. Reg. 15044, effective September 27, 2000; emergency amendment at 24 Ill. Reg. 16344, effective December 8, 2000, for a maximum of 150 days.

SUBPART A: TOURISM MARKETING PARTNERSHIP PROGRAM

Section 510.105 Waiver; Prior Incurred Costs

EMERGENCY

The Director of the Department may waive the application submittal deadline(s) set forth in Section 510.60 hereof if (i) the Director finds that to do so would allow the Department to consider a project which would further the purposes of the Illinois Promotion Act and which is otherwise compliant with the provisions of these Rules and (ii) funds remain available for expenditure on such a project. The Director's written waiver shall be sufficient to allow for evaluation of the application in accordance with the procedures outlined in the Tourism Marketing Partnership grant Program rules.

(Source: Added by emergency rulemaking at 24 Ill. Reg. _____, effective December 8, 2000, for a maximum of 150 days)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

Section 510.185 Leverage**EMERGENCY**

The applicant shall leverage additional financial resources for the project over and above funding provided by the Department in an amount not less than 50% of the project's actual expenditures.

- a) Allowable leverage includes:
- 1) Term loan proceeds, bond sale proceeds or other forms of financial institution participation;
 - 2) Other public grant or loan program funds;
 - 3) Use of retained earnings, proceeds of a public stock offering or other cash equity, excluding pre-project officer notes payable, off-balance sheet debt financing and goodwill; and
 - 4) Local hotel/motel tax, membership dues, or other cash contributions.
- b) Unallowable leverage:
- 1) Costs incurred or funds expended prior to date of grant or loan award, unless such costs are approved by the Department as being otherwise compliant with the provisions of these rules and consistent with the purposes of the Act.;
 - 2) Funds from other Department funded programs (although they may be used to further the project);
 - 3) Existing equipment, buildings, furnishings, or inventory, already owned;
 - 4) Lines of credit;
 - 5) Contracts for deed without a due and payable clause or which is an apparent substitution for simple rent;
 - 6) Post project costs such as normal operational expenses;
 - 7) Debt refinancing; and
 - 8) In-kind contributions.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. _____, effective December 8, 2000, for a maximum of 150 days)

Section 510.207 Waiver; Prior Incurred Costs**EMERGENCY**

The Director of the Department may waive the application submittal deadline(s) set forth in Section 510.160 hereof if (i) the Director finds that to do so would allow the Department to consider a project which would further the purposes of the Illinois Promotion Act and which is otherwise compliant with the provisions of these Rules and (ii) funds remain available for expenditure on such a project. The Director's written waiver shall be sufficient to allow for evaluation of the application in accordance with the procedures outlined in the Tourism Attraction Development Loan and Grant Program rules.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 24 Ill. Reg. _____, effective December 8, 2000, for a maximum of 150 days)

Section 510.285 Matching Funds**EMERGENCY**

The applicant shall leverage additional financial resources for the project over and above funding provided by the Department in an amount not less than 100 percent of the grant award and no less than \$25,000.

- a) Allowable match includes:
- 1) Private Sector Funds - Grant Funds must be matched with dollar-for-dollar cash funding from the private sector.
 - 2) In-kind contributions upon which the value is easily documentable such as hotel services and transportation company services not to exceed 25 percent (25%) of the match.
- b) Unallowable match includes:
- 1) Costs incurred or funds expended prior to the date of grant award, unless such costs are approved by the Department as being otherwise compliant with the provisions of these rules and consistent with the purposes of the Act.
 - 2) Funds from other Department financial programs (although they may be used to further the project).
 - 3) Post project costs such as normal operational expenses.
 - 4) Funds from sources other than the private sector.
 - 5) Funds used as match for other grant programs.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. _____, effective December 8, 2000, for a maximum of 150 days)

Section 510.300 Waiver; Prior Incurred Costs**EMERGENCY**

The Director of the Department may waive the application submittal deadline(s) set forth in Section 510.260 hereof if (i) the Director finds that to do so would allow the Department to consider a project which would further the purposes of the Illinois Promotion Act and which is otherwise compliant with the provisions of these Rules and (ii) funds remain available for expenditure on such a project. The Director's written waiver shall be sufficient to allow for evaluation of the application in accordance with the procedures outlined in the Tourism Private Sector grant Program rules.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. _____, effective December 8, 2000, for a maximum of 150 days)

STATE BOARD OF EDUCATION

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number: Appendix C
Action: Refusal
- 4) Date Notice of Proposed Rules Published in the Register: Not applicable
(peremptory amendment published on October 27, 2000, at 24 Ill. Reg. 16109).
- 5) Date JCAR Statement of Object Published in the Register: December 1, 2000
24 Ill. Reg. 17690
- 6) Summary of Action Taken by the Agency: The State Board of Education has refused to withdraw the peremptory amendment that was the subject of this objection. The Board is not in a position to respond otherwise to this objection, as the peremptory amendment in question was ordered by a federal judge in connection with the special education case commonly known as "Corey H.". The agency had no discretion as to its content and was ordered to file the rulemaking no later than October 12, 2000.

GUARDIANSHIP AND ADVOCACY COMMISSION

JANUARY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Information, Rulemaking, and Organization, 2 Ill. Adm. Code 1875
 - 1) Rulemaking:
 - A) Description: The Guardianship and Advocacy Commission is preparing a rulemaking proposal which would state that the Commission shall have one commissioner with disabilities or a family member of a person with disabilities on the commission in accordance with the persons with Disabilities on State Agency Boards Act [20 ILCS 4007/1 et seq.]
 - B) Statutory Authority: Section 1 et seq. of the Guardianship and Advocacy Act [20 ILCS 3955/1 et seq.]
 - C) Scheduled meeting/hearing dates: None are scheduled at this time. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.
 - D) Date agency anticipates First Notice: January 31, 2001
 - E) Affect on small business, municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

Director Gary Miller
Illinois Guardianship and Advocacy Commission
421 East Capitol Avenue, Suite 205
Springfield, Illinois 62701-1711
(217) 785-8981
(312) 793-5937 (TDD)
 - G) Related Rulemaking and other pertinent information: None

DEPARTMENT OF LABOR

JANUARY 2001 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Statewide Displaced Homemakers Program, 56 Ill. Adm. Code 365

1) Rulemaking:

A) Description: The proposed rulemaking will detail or cross-reference the applicable rules for the following: the "rules, regulations, and requirements which the Department of Labor may establish for its programs" (referenced in Section 365.110(a)); the terms and subject matter of its "signed agreement" (referenced in Section 365.110 (c)); the "rules and regulations" and "standard procedures" (referenced in Section 365.120 (a)); the procedures/mechanism that would prevent "the Department from obtaining appropriate reimbursement from the State government" (in Section 365.120 (b)); and the statutory authority by which "the Department may retain all suspended payments" (in Section 365.120 (b)).

B) Statutory Authority: Implementing and authorized by the Displaced Homemakers Assistance Act [20 ILCS 615].

C) Scheduled meeting/hearing date: Not yet determined

D) Date agency anticipates First Notice: April 20, 2001

E) Affect on small businesses, small municipalities or not for profit corporations: The rulemaking affects all organizations seeking funding from the Displaced Homemaker Program that are also a small business or a not for profit corporation as defined by the Illinois Administrative Procedure Act. The program does not fund small municipalities.

F) Agency contact person for information:

William Rolando
Deputy Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
(217) 782-1704

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 4, 2000 through December 11, 2000 and have been scheduled for review by the Committee at its January 9, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
1/17/01	Department of Transportation, Disadvantaged Business Enterprises (Repealer) (92 Ill Adm Code 10)	10/6/00 24 Ill Reg 14649	1/9/01
1/17/01	Department of Professional Regulation, Environmental Health Practitioner Licensing Act (68 Ill Adm Code 1247)	10/13/00 24 Ill Reg 14997	1/9/01
1/17/01	Department of Professional Regulation, Illinois Roofing Industry Licensing Act (68 Ill Adm Code 1460)	10/13/00 24 Ill Reg 15001	1/9/01
1/18/01	Office of the State Fire Marshal, Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill Adm Code 200)	9/8/00 24 Ill Reg 13482	1/9/01

PROCLAMATIONS

2000-595
2000 GENERAL ELECTION CANVASS- ASCERTAINMENT OF
PRESIDENTIAL ELECTORS

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING;

KNOW YE, That on the 7th day of November, 2000, as ascertained by an official canvass made in accordance with the laws of the State of Illinois, a copy of the ascertainment of which canvass is hereto attached and made a part hereof Electors of President and Vice President of the United States were elected and appointed as follows, to-wit:

Constance A. Howard	Donald Pedro
Rose Marie Lipinski	Vilma Colom
James DeLeo	Joan Brennan
Vera Davis	Victory McNamara
William Marovitz	Dan Pierce
Marge Friedman	Molly McKenzie
Kathryn "Tinker" Harvey	Mary Lou Kearns
Carolyn Brown Hodge	John Nelson
Dave Bybee	Shirley McCombs
Charles A. Hartke	Jerry Sinclair
Barbara Flynn Currie	John P. Daley

STATE OF ILLINOIS)
) SS
EXECUTIVE DEPARTMENT)

WHEREAS, On the 7th day of November, 2000, pursuant to the Statute in such case made and provided, an election was held in the State of Illinois for the purpose of electing on a general ballot, twenty-two (22) Electors of President and Vice President of the United States; and

WHEREAS, In accordance with the Statute aforesaid for the final ascertainment of the result of said election, held as aforesaid, we, the following members of the State Board of Elections, the officers appointed by law to canvass the returns made by the County Clerks of the several counties in the State, of the votes given at said election, on the 27th day of November, 2000, at the office of the State Board of Elections, in the City of Springfield, State of Illinois, proceeded to canvass the returns of the election as aforesaid, being the official abstracts transmitted to the State Board of Elections of this State, of all voters given in each and every county in the State of Illinois, at the election held November 7, 2000, for Electors for President and Vice President of the United States, and it appears as the results of such canvass that the following named persons were voted for, for the office of Electors of President and Vice President of the United States in this State, and the number of votes given for each person is set opposite to his respective name, this is to say:

Don W. Adams	received	2,019,421	votes
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ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE
UNITED STATES
REPUBLICAN PARTY

PROCLAMATIONS

Tracey Blackburn	received	2,019,421	votes
Craig Burkhardt	received	2,019,421	votes
Ruth Donahue	received	2,019,421	votes
Mike Dooley	received	2,019,421	votes
Meg Gorecki	received	2,019,421	votes
Paul Hinds	received	2,019,421	votes
Buster Kellogg, Jr.	received	2,019,421	votes
Lyn D. Kennelly	received	2,019,421	votes
Gordon Lang, Jr.	received	2,019,421	votes
William LeFev	received	2,019,421	votes
Tom Long	received	2,019,421	votes
Andrea Moore	received	2,019,421	votes
Maureen Murphy	received	2,019,421	votes
Bill Rolando	received	2,019,421	votes
Samuel K. Skinner	received	2,019,421	votes
Claude "Bud" Stone, Jr.	received	2,019,421	votes
John Sweeney	received	2,019,421	votes
Maria Tellez-Carlson	received	2,019,421	votes
Ruth Weber	received	2,019,421	votes
Joe Weiss	received	2,019,421	votes
Charles "C. W." Wilson	received	2,019,421	votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE
UNITED STATES

Constance A. Howard	received	2,589,026	votes
Donald Pedro	received	2,589,026	votes
Rose Marie Lipinski	received	2,589,026	votes
Vilma Colom	received	2,589,026	votes
James DeLeo	received	2,589,026	votes
Joan Brennan	received	2,589,026	votes
Vera Davis	received	2,589,026	votes
Victory McNamara	received	2,589,026	votes
William Marovitz	received	2,589,026	votes
Dan Pierce	received	2,589,026	votes
Marge Friedman	received	2,589,026	votes
Molly McKenzie	received	2,589,026	votes
Kathryn "Tinker" Harvey	received	2,589,026	votes
Mary Lou Kearns	received	2,589,026	votes
Carolyn Brown Hodge	received	2,589,026	votes
John Nelson	received	2,589,026	votes
Dave Bybee	received	2,589,026	votes
Shirley McCombs	received	2,589,026	votes
Charles A. Hartke	received	2,589,026	votes
Jerry Sinclair	received	2,589,026	votes
Barbara Flynn Currie	received	2,589,026	votes
John P. Daley	received	2,589,026	votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE
UNITED STATES

PROCLAMATIONS

LIBERTARIAN PARTY		
Rhys Read	received	11,623 votes
Susan L. Schell	received	11,623 votes
Marjorie R. Kohls	received	11,623 votes
William J. Stephens	received	11,623 votes
Nathaniel Y. Krause	received	11,623 votes
Charles E. Sila	received	11,623 votes
Audrey M. Nelson	received	11,623 votes
Timothy Norton	received	11,623 votes
Kenneth J. Prazak	received	11,623 votes
Richard McNeely	received	11,623 votes
James L. Tobin	received	11,623 votes
Julie A. Thompson	received	11,623 votes
Jack Van Noord	received	11,623 votes
Harold P. Beilstein	received	11,623 votes
Edward J. Pagel	received	11,623 votes
Michael A. Kuczynski	received	11,623 votes
Brenda G. Norton	received	11,623 votes
James A. Boyd	received	11,623 votes
Matthew J. Beauchamp	received	11,623 votes
Katherine M. Kelley	received	11,623 votes
John E. Birch, Jr.	received	11,623 votes
Michael J. Dixon	received	11,623 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE

UNITED STATES

GREEN PARTY		
Anna L. Stange	received	103,759 votes
Robert R. Gronko	received	103,759 votes
Kurt E. Leslie	received	103,759 votes
Adam C. Watson	received	103,759 votes
Freda Weis	received	103,759 votes
Joseph T. Keck	received	103,759 votes
Marc D. Sanson	received	103,759 votes
Erin C. Conley	received	103,759 votes
John Paul Schmit	received	103,759 votes
Melinda S. Brady	received	103,759 votes
Robert A. Rudner	received	103,759 votes
Richard J. Whitney	received	103,759 votes
Barbara McKasson	received	103,759 votes
Hugh J. Muldoon	received	103,759 votes
Don F. Elwell	received	103,759 votes
Everett G. Hughes	received	103,759 votes
Wes Wagar	received	103,759 votes
Lionel P. Trepanier	received	103,759 votes
Laura J. Foley	received	103,759 votes
Sharon Cody	received	103,759 votes
Gloria Simmons	received	103,759 votes
Marc Loveless	received	103,759 votes

PROCLAMATIONS

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE

UNITED STATES

REFORM PARTY

Regina Kaufman	received	2,127 votes
Jennifer Michaud	received	2,127 votes
Suzanne Piczok	received	2,127 votes
Klara A. Rieble	received	2,127 votes
Michael G. Coli	received	2,127 votes
Donna L. Warwick	received	2,127 votes
Charlie E. Warwick, Jr.	received	2,127 votes
David C. Palmquist	received	2,127 votes
B. J. Ross	received	2,127 votes
Giovanna I. Passman	received	2,127 votes
John M. Passman	received	2,127 votes
Wesley W. Lindquist	received	2,127 votes
Lynn Mitchell Robertson	received	2,127 votes
Bolton Carroll	received	2,127 votes
Joan Huening	received	2,127 votes
Dianne Carter	received	2,127 votes
Jeffrey D. Tepper	received	2,127 votes
Janet T. Kermis	received	2,127 votes
Cathy Tepper	received	2,127 votes
James Susarrey	received	2,127 votes
Maria Kraszynska	received	2,127 votes
Karen McGinnis	received	2,127 votes

ELECTORS FOR PRESIDENT AND VICE PRESIDENT OF THE

UNITED STATES

INDEPENDENT

Scott P. Richert	received	16,106 votes
Lorraine M. Rasmussen	received	16,106 votes
Caroline M. Rajca	received	16,106 votes
Phyllis M. Delabar	received	16,106 votes
Brian K. Arflack	received	16,106 votes
John P. Jankowski	received	16,106 votes
Joseph C. Bojanowski	received	16,106 votes
Guadalupe Lynch	received	16,106 votes
Peter Wenson	received	16,106 votes
Rod Thorson	received	16,106 votes
David R. Wade	received	16,106 votes
Aakashdeep J. Raut	received	16,106 votes
Albert L. Eischen	received	16,106 votes
Maureen O. McHugh	received	16,106 votes
Christian H. Gramm	received	16,106 votes
Lawrence C. Hickey	received	16,106 votes
Valentine Hechler IV	received	16,106 votes
Mary Ann Dolce	received	16,106 votes
Gregory V. Morrow	received	16,106 votes
Jonathan P. Brown	received	16,106 votes
James A. Wright	received	16,106 votes

PROCLAMATIONS

Christopher J. Check received 16,106 votes
 Issued by the Governor November 27, 2000.
 Filed by the Secretary of State November 27, 2000.

2000-596

2000 GENERAL ELECTION CANVASS- PRESIDENTIAL ELECTORS

WHEREAS, On the 7th day of November, 2000, an election was held in the State of Illinois for the election of twenty-two (22) Electors of President and Vice President of the United States.

WHEREAS, In pursuance of law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 27th day of November, 2000, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE

UNITED STATES:

Constance A. Howard	Donald Pedro
Rose Marie Lipinski	Vilma Colom
James DeLeo	Joan Brennan
Vera Davis	Victory McNamara
William Marovitz	Dan Pierce
Marge Friedman	Molly McKenzie
Kathryn "Tinker" Harvey	Mary Lou Kearns
Carolyn Brown Hodge	John Nelson
Dave Bybee	Shirley McCombs
Charles A. Hartke	Jerry Sinclair
Barbara Flynn Currie	John P. Daley

NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

Issued by the Governor November 27, 2000.

Filed by the Secretary of State November 27, 2000.

2000-597

2000 GENERAL ELECTION CANVASS- U.S. CONGRESS, SENATE
AND REP. IN G.A.

WHEREAS, On the 7th day of November, 2000, an election was held in the State of Illinois for the election of the following officers, to-wit:

Twenty (20) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the twenty (20) Congressional Districts of the State for the full term of two years.

Nineteen (19) State Senators, to wit: One (1) State Senator from the 3rd, 6th, 9th, 12th, 15th, 18th, 21st, 24th, 27th, 30th, 33rd, 36th, 39th, 42nd, 45th, 48th, 51st, 54th and 57th Legislative District for the full term of two years; One (1) State Senator from the 20th, 28th and 59th Legislative District of the State to fill an unexpired term of two years.

PROCLAMATIONS

One Hundred Eighteen (118) Representatives in the General Assembly, to-wit: One (1) Representative from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this 27th day of November, 2000, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices.

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE

OF ILLINOIS

IN THE 107th CONGRESS OF THE UNITED STATES

FIRST CONGRESSIONAL DISTRICT

Bobby L. Rush

SECOND CONGRESSIONAL DISTRICT

Jesse L. Jackson, Jr.

THIRD CONGRESSIONAL DISTRICT

William O. Lipinski

FOURTH CONGRESSIONAL DISTRICT

Luis V. Gutierrez

FIFTH CONGRESSIONAL DISTRICT

Rod R. Blagojevich

SIXTH CONGRESSIONAL DISTRICT

Henry J. Hyde

SEVENTH CONGRESSIONAL DISTRICT

Danny K. Davis

EIGHTH CONGRESSIONAL DISTRICT

Philip M. Crane

NINTH CONGRESSIONAL DISTRICT

Jan Schakowsky

TENTH CONGRESSIONAL DISTRICT

Mark Steven Kirk

ELEVENTH CONGRESSIONAL DISTRICT

Gerald C. "Jerry" Weller

TWELFTH CONGRESSIONAL DISTRICT

Jerry F. Costello

THIRTEENTH CONGRESSIONAL DISTRICT

Judy Biggert

FOURTEENTH CONGRESSIONAL DISTRICT

J. Dennis Hastert

FIFTEENTH CONGRESSIONAL DISTRICT

Tim Johnson

SIXTEENTH CONGRESSIONAL DISTRICT

Donald A. Manzullo

SEVENTEENTH CONGRESSIONAL DISTRICT

Lane A. Evans

EIGHTEENTH CONGRESSIONAL DISTRICT

Ray LaHood

NINETEENTH CONGRESSIONAL DISTRICT

David D. Phelps

PROCLAMATIONS

TWENTIETH CONGRESSIONAL DISTRICT

John M. Shimkus

STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE

OF ILLINOIS

IN THE 92nd GENERAL ASSEMBLY OF THE STATE

THIRD LEGISLATIVE DISTRICT

Margaret Smith

SIXTH LEGISLATIVE DISTRICT

John J. Cullerton

NINTH LEGISLATIVE DISTRICT

Carol Ronen

TWELFTH LEGISLATIVE DISTRICT

Robert S. Molaro

FIFTEENTH LEGISLATIVE DISTRICT

William "Bill" Shaw

EIGHTEENTH LEGISLATIVE DISTRICT

Patrick J. O'Malley

TWENTIETH LEGISLATIVE DISTRICT

(For an unexpired two year term)

Peter J. Roskam

TWENTY-FIRST LEGISLATIVE DISTRICT

Chris Lauzen

TWENTY-FOURTH LEGISLATIVE DISTRICT

Christine Radogno

TWENTY-SEVENTH LEGISLATIVE DISTRICT

Wendell E. Jones

TWENTY-EIGHTH LEGISLATIVE DISTRICT

(For an unexpired two year term)

Dave Sullivan

THIRTIETH LEGISLATIVE DISTRICT

Terry Link

THIRTY-THIRD LEGISLATIVE DISTRICT

Steven J. Rauschenberger

THIRTY-SIXTH LEGISLATIVE DISTRICT

Denny Jacobs

THIRTY-NINTH LEGISLATIVE DISTRICT

Dan Cronin

FORTY-SECOND LEGISLATIVE DISTRICT

Edward Petka

FORTY-FIFTH LEGISLATIVE DISTRICT

Robert A. Madigan

FORTY-EIGHTH LEGISLATIVE DISTRICT

Laura Kent Donahue

FIFTY-FIRST LEGISLATIVE DISTRICT

N. Duane Noland

FIFTY-FOURTH LEGISLATIVE DISTRICT

William L. O'Daniel

FIFTY-SEVENTH LEGISLATIVE DISTRICT

James F. Clayborne, Jr. II

PROCLAMATIONS

FIFTY-NINTH LEGISLATIVE DISTRICT

(For an unexpired two year term)

Larry D. Woolard

REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE

OF ILLINOIS

IN THE 92nd GENERAL ASSEMBLY OF THE STATE

FIRST REPRESENTATIVE DISTRICT

Susana Mendoza

SECOND REPRESENTATIVE DISTRICT

Edward J. Acevedo

THIRD REPRESENTATIVE DISTRICT

William "Willie" Delgado

FOURTH REPRESENTATIVE DISTRICT

Cynthia Soto

FIFTH REPRESENTATIVE DISTRICT

Lovana S. "Lou" Jones

SIXTH REPRESENTATIVE DISTRICT

Shirley M. Jones

SEVENTH REPRESENTATIVE DISTRICT

Karen A. Yarbrough

EIGHTH REPRESENTATIVE DISTRICT

Calvin L. Giles

NINTH REPRESENTATIVE DISTRICT

Arthur L. Turner

TENTH REPRESENTATIVE DISTRICT

Annazette R. Collins

ELEVENTH REPRESENTATIVE DISTRICT

Judy Erwin

TWELFTH REPRESENTATIVE DISTRICT

Sara Feigenholtz

THIRTEENTH REPRESENTATIVE DISTRICT

Ralph C. Capparelli

FOURTEENTH REPRESENTATIVE DISTRICT

Michael P. McAuliffe

FIFTEENTH REPRESENTATIVE DISTRICT

Joseph M. Lyons

SIXTEENTH REPRESENTATIVE DISTRICT

Louis I. Lang

SEVENTEENTH REPRESENTATIVE DISTRICT

Harry Osterman

EIGHTEENTH REPRESENTATIVE DISTRICT

Julie Hamos

NINETEENTH REPRESENTATIVE DISTRICT

Robert J. Bugielski

TWENTIETH REPRESENTATIVE DISTRICT

Richard T. Bradley

TWENTY-FIRST REPRESENTATIVE DISTRICT

Mary E. Flowers

TWENTY-SECOND REPRESENTATIVE DISTRICT

PROCLAMATIONS

Michael J. Madigan
TWENTY-THIRD REPRESENTATIVE DISTRICT
 Daniel J. Burke
TWENTY-FOURTH REPRESENTATIVE DISTRICT
 Howard Kenner
TWENTY-FIFTH REPRESENTATIVE DISTRICT
 Barbara Flynn Currie
TWENTY-SIXTH REPRESENTATIVE DISTRICT
 Charles G. Morrow III
TWENTY-SEVENTH REPRESENTATIVE DISTRICT
 Monique D. Davis
TWENTY-EIGHTH REPRESENTATIVE DISTRICT
 Thomas J. Dart
TWENTY-NINTH REPRESENTATIVE DISTRICT
 David E. Miller
THIRTIETH REPRESENTATIVE DISTRICT
 Harold Murphy
THIRTY-FIRST REPRESENTATIVE DISTRICT
 Todd H. Stroger
THIRTY-SECOND REPRESENTATIVE DISTRICT
 Constance A. "Connie" Howard
THIRTY-THIRD REPRESENTATIVE DISTRICT
 John A. Fritchey
THIRTY-FOURTH REPRESENTATIVE DISTRICT
 Larry McKeon
THIRTY-FIFTH REPRESENTATIVE DISTRICT
 M. Maggie Crotty
THIRTY-SIXTH REPRESENTATIVE DISTRICT
 James D. Brosnahan
THIRTY-SEVENTH REPRESENTATIVE DISTRICT
 Kevin A. McCarthy
THIRTY-EIGHTH REPRESENTATIVE DISTRICT
 Renee Kosel
THIRTY-NINTH REPRESENTATIVE DISTRICT
 Vincent A. Persico
FORTIETH REPRESENTATIVE DISTRICT
 Randall M. "Randy" Hultgren
FORTY-FIRST REPRESENTATIVE DISTRICT
 Mary Lou Cowlshaw
FORTY-SECOND REPRESENTATIVE DISTRICT
 Timothy L. Schmitz
FORTY-THIRD REPRESENTATIVE DISTRICT
 William A. O'Connor
FORTY-FOURTH REPRESENTATIVE DISTRICT
 James B. Durkin
FORTY-FIFTH REPRESENTATIVE DISTRICT
 Kathleen L. "Kay" Wojcik
FORTY-SIXTH REPRESENTATIVE DISTRICT
 Lee A. Daniels
FORTY-SEVENTH REPRESENTATIVE DISTRICT

PROCLAMATIONS

Eileen Lyons
FORTY-EIGHTH REPRESENTATIVE DISTRICT
 Anne Zickus
FORTY-NINTH REPRESENTATIVE DISTRICT
 Carole Pankau
FIFTIETH REPRESENTATIVE DISTRICT
 Thomas L. "Tom" Johnson
FIFTY-FIRST REPRESENTATIVE DISTRICT
 Sidney H. Mathias
FIFTY-SECOND REPRESENTATIVE DISTRICT
 Mark H. Beaubien, Jr.
FIFTY-THIRD REPRESENTATIVE DISTRICT
 Terry R. Parke
FIFTY-FOURTH REPRESENTATIVE DISTRICT
 Suzanne "Suzie" Bassi
FIFTY-FIFTH REPRESENTATIVE DISTRICT
 Rosemary Mulligan
FIFTY-SIXTH REPRESENTATIVE DISTRICT
 Carolyn H. Krause
FIFTY-SEVENTH REPRESENTATIVE DISTRICT
 Elizabeth Coulson
FIFTY-EIGHTH REPRESENTATIVE DISTRICT
 Jeffrey M. Schoenberg
FIFTY-NINTH REPRESENTATIVE DISTRICT
 Susan Garrett
SIXTIETH REPRESENTATIVE DISTRICT
 Karen May
SIXTY-FIRST REPRESENTATIVE DISTRICT
 Andrea S. Moore
SIXTY-SECOND REPRESENTATIVE DISTRICT
 Timothy H. Osmond
SIXTY-THIRD REPRESENTATIVE DISTRICT
 Jack D. Franks
SIXTY-FOURTH REPRESENTATIVE DISTRICT
 Rosemary Kurtz
SIXTY-FIFTH REPRESENTATIVE DISTRICT
 Patricia Reid Lindner
SIXTY-SIXTH REPRESENTATIVE DISTRICT
 Douglas L. Hoeft
SIXTY-SEVENTH REPRESENTATIVE DISTRICT
 Douglas P. Scott
SIXTY-EIGHTH REPRESENTATIVE DISTRICT
 Ronald A. Wait
SIXTY-NINTH REPRESENTATIVE DISTRICT
 Dave Winters
SEVENTIETH REPRESENTATIVE DISTRICT
 David A. Wirsing
SEVENTY-FIRST REPRESENTATIVE DISTRICT
 Mike Boland
SEVENTY-SECOND REPRESENTATIVE DISTRICT

PROCLAMATIONS

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2000 GENERAL ELECTION CANVASS- JUDGES

WHEREAS, On the 7th day of November, 2000, an election was held in the State of Illinois for the election of the following judges, to-wit:

Supreme Court Judges to fill the vacancy of the Honorable Michael A. Bilandic, First Judicial District; to fill the vacancy of the Honorable John L. Nickels, Second Judicial District; to fill the vacancy of the Honorable James D. Heiple, Third Judicial District.

Appellate Court Judges to fill the vacancy of the Honorable Daniel J. McNamara, First Judicial District; to fill the vacancy of the Honorable S. Louis Rathje, Second Judicial District; to fill the vacancy of the Honorable Michael P. McCuskey, Third Judicial District.

Judges of the Circuit Court, Cook County Judicial Circuit to fill the vacancy of the Honorable Ronald J. P. Banks, to fill the vacancy of the Honorable Joan M. Corboy, to fill the vacancy of the Honorable Michael F. Czaja, to fill the vacancy of the Honorable Arthur L. Dunne, to fill the vacancy of the Honorable Michael B. Getty, to fill the vacancy of the Honorable Kenneth L. Gillis, to fill the vacancy of the Honorable Albert Green, to fill the vacancy of the Honorable Michael S. Jordan, to fill the vacancy of the Honorable Margaret S. McBride, to fill the vacancy of the Honorable Sheila M. Murphy, to fill the vacancy of the Honorable James S. Quinlan, Jr., to fill the vacancy of the Honorable Shelvin Singer.

Judges of the Circuit Court, Cook County Judicial Circuit, to fill additional judgeship A, First Subcircuit; to fill additional judgeship A, Third Subcircuit; to fill additional judgeship A, Fifth Subcircuit; to fill additional judgeship A, Ninth Subcircuit; to fill additional judgeship A, to fill additional judgeship A, Thirteenth Subcircuit; to fill additional judgeship A, Fourteenth Subcircuit; to fill the vacancy of the Honorable Robert W. Krop, Fifteenth Subcircuit.

Judges of the Circuit Court, to fill the vacancy of the Honorable D. D. Bigler, Union County, First Judicial Circuit; to fill the vacancy of the Honorable Charles L. Quindry, Jr., Second Judicial Circuit; to fill the vacancy of the Honorable John L. DeLaurenti, Bond County, to fill the vacancy of the Honorable J. Lawrence Keshner, Madison County, Third Judicial Circuit; to fill the vacancy of the Honorable Richard H. Brummer, Fourth Judicial Circuit; to fill the vacancy of the Honorable Richard E. Scott, Edgar County, to fill the vacancy of the Honorable John P. O'Rourke, Vermillion County, Fifth Judicial Circuit; to fill the vacancy of the Honorable John L. Davis, to fill the vacancy of the Honorable George S. Miller, Champaign County, Sixth Judicial Circuit; to fill the vacancy of the Honorable Sue E. Myerscough, to fill the vacancy of the Honorable Jeanne E. Scott, Seventh Judicial Circuit; to fill the vacancy of the Honorable Charles H. Wilhelm, Fulton County, Ninth Judicial Circuit; to fill the vacancy of the Honorable Robert J. Cashen, Stark County, to fill the vacancy of the Honorable John A. Gorman, Tazewell County, Tenth Judicial Circuit; to fill the vacancy of the Honorable Luther H. Dearborn, Eleventh Judicial Circuit; to fill the vacancy of the Honorable William R. Penn, Twelfth Judicial Circuit; to fill the vacancy of the Honorable John Donald O'Shea, Fourteenth Judicial Circuit; to fill the vacancy of the Honorable Barry E. Puklin, Kane County, Sixteenth Judicial Circuit; to fill the vacancy of the Honorable Daniel D. Doyle, to fill the vacancy of the Honorable

PROCLAMATIONS

Galyn W. Moehring, Seventeenth Judicial Circuit; to fill the vacancy of the Honorable James C. Franz, to fill the vacancy of the Honorable Jack Hoogasian, Nineteenth Judicial Circuit.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 27th day of November, 2000, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

SUPREME COURT JUDGES

FIRST JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Michael A. Bilandic)

Thomas R. Fitzgerald

SECOND JUDICIAL DISTRICT

(To fill the vacancy of the Honorable John L. Nickels)

Bob Thomas

THIRD JUDICIAL DISTRICT

(To fill the vacancy of the Honorable James D. Heiple)

Tom Kilbride

APPELLATE COURT JUDGES

FIRST JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Daniel J. McNamara)

Shelvin Louise Marie Hall

SECOND JUDICIAL DISTRICT

(To fill the vacancy of the Honorable S. Louis Rathje)

John M. "Jack" O'Malley

THIRD JUDICIAL DISTRICT

(To fill the vacancy of the Honorable Michael P. McCuskey)

Mary W. McDade

JUDGES OF THE CIRCUIT COURT

COOK COUNTY JUDICIAL CIRCUIT

(To fill the vacancy of the Honorable Ronald J. P. Banks)

Matthew E. Coghlan

(To fill the vacancy of the Honorable Joan M. Corboy)

Joyce M. Murphy

(To fill the vacancy of the Honorable Michael F. Czaja)

Mary Margaret Brosnahan

(To fill the vacancy of the Honorable Arthur L. Dunne)

Paul A. Karkula

(To fill the vacancy of the Honorable Michael B. Getty)

P. Scott Neville, Jr.

(To fill the vacancy of the Honorable Kenneth L. Gillis)

Colleen F. Sheehan

(To fill the vacancy of the Honorable Albert Green)

Donna Phelps Felton

(To fill the vacancy of the Honorable Michael S. Jordan)

Joan Margaret O'Brien

(To fill the vacancy of the Honorable Margaret S. McBride)

PROCLAMATIONS

- Marcia Maras
(To fill the vacancy of the Honorable Sheila M. Murphy)
- Michael T. Healy
(To fill the vacancy of the Honorable James S. Quinlan, Jr.)
- Thomas David Roti
(To fill the vacancy of the Honorable Shelvin Singer)
- Francis Joseph Dolan
FIRST SUBCIRCUIT
(To fill additional judgeship A)
- John Steele
THIRD SUBCIRCUIT
(To fill additional judgeship A)
- Peter Flynn
FIFTH SUBCIRCUIT
(To fill additional judgeship A)
- Loretta Eadie-Daniels
NINTH SUBCIRCUIT
(To fill additional judgeship A)
- James R. Epstein
THIRTEENTH SUBCIRCUIT
(To fill additional judgeship A)
- Anthony A. Iosco
FOURTEENTH SUBCIRCUIT
(To fill additional judgeship A)
- Maura Slattery Boyle
FIFTEENTH SUBCIRCUIT
(To fill the vacancy of the Honorable Robert W. Krop)
- Marcella Carmen Lipinski
FIRST JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable D. D. Bigler)
- UNION COUNTY**
Mark M. Boie
SECOND JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Charles L. Quindry, Jr.)
- George W. Timberlake
THIRD JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable John L. DeLaurenti)
- BOND COUNTY**
John Knight
(To fill the vacancy of the Honorable J. Lawrence Keshner)
- MADISON COUNTY**
Ann E. Callis
FOURTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Richard H. Brummer)
- Sherri L. E. Tungate
FIFTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Richard E. Scott)
- EDGAR COUNTY**
H. Dean Andrews
(To fill the vacancy of the Honorable John P. O'Rourke)

PROCLAMATIONS

- VERMILION COUNTY**
Craig H. Dearmond
SIXTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable John L. Davis)
- Ted Paine
(To fill the vacancy of the Honorable George S. Miller)
- CHAMPAIGN COUNTY**
Michael O. Jones
SEVENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Sue E. Myerscough)
- Leslie J. Graves
(To fill the vacancy of the Honorable Jeanne E. Scott)
- Patrick Kelley
NINTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Charles H. Wilhelm)
- FULTON COUNTY**
Gene Taylor
TENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Robert J. Cashen)
- SPARK COUNTY**
Stuart P. Borden
(To fill the vacancy of the Honorable John A. Gorman)
- J. Peter Ault
ELEVENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Luther H. Dearborn)
- Elizabeth A. Robb
TWELFTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable William R. Penn)
- Daniel J. Rozak
FOURTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable John Donald O'Shea)
- Mark A. Vandewiele
SIXTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Barry E. Puklin)
- KANE COUNTY**
Donald C. Hudson
SEVENTEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable Daniel D. Doyle)
- Richard W. Vidal
(To fill the vacancy of the Honorable Galyn W. Moehring)
- Timothy R. Gill
NINETEENTH JUDICIAL CIRCUIT
(To fill the vacancy of the Honorable James C. Franz)
- Maureen P. McIntyre
(To fill the vacancy of the Honorable Jack Hoogasian)
- Dave Hall
NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

PROCLAMATIONS

Issued by the Governor November 27, 2000.
Filed by the Secretary of State November 27, 2000.

2000-599

2000 GENERAL ELECTION CANVASS- RETAINED JUDGES

WHEREAS, On the 7TH day of November, 2000, an election was held in the State of Illinois for the retention of the following Judges, to-wit:

Supreme Court Judge from the First Judicial District;
Appellate Court Judges from the First, Second, Third, and Fifth Judicial Districts;

Circuit Court Judges from the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Twentieth, Twenty-first, and Cook County Judicial Circuits.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 27th day of November, 2000, canvass the same, and as a result of such canvass, did declare retained the following named persons to the following named offices:

RETENTION

JUDGE OF THE SUPREME COURT

FIRST JUDICIAL DISTRICT

Charles E. Freeman

JUDGE OF THE APPELLATE COURT

FIRST JUDICIAL DISTRICT

Joseph Gordon

Jill Kathleen McNulty

John P. Tully

SECOND JUDICIAL DISTRICT

John J. Bowman

THIRD JUDICIAL DISTRICT

Kent Slater

FIFTH JUDICIAL DISTRICT

Thomas M. Welch

JUDGES OF THE CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

Terry J. Foster

David W. Watt, Jr.

Ronald R. Eckiss

Mark H. Clarke

SECOND JUDICIAL CIRCUIT

Thomas H. Sutton

James M. Wexstten

THIRD JUDICIAL CIRCUIT

George J. Moran

P. J. O'Neill

Charles Romani

FOURTH JUDICIAL CIRCUIT

PROCLAMATIONS

David Sauer
Ron Spears

John Coady

Kathleen Moran

FIFTH JUDICIAL CIRCUIT

Thomas J. Fahey

SIXTH JUDICIAL CIRCUIT

John K. Greanias

Stephen H. Peters

Dan L. Flannell

James A. Hendrian

SEVENTH JUDICIAL CIRCUIT

Joseph P. Koval

Donald M. Cadagin

EIGHTH JUDICIAL CIRCUIT

David K. Slocum

NINTH JUDICIAL CIRCUIT

Stephen G. Evans

Harry Bulkeley

TENTH JUDICIAL CIRCUIT

John A. Barra

ELEVENTH JUDICIAL CIRCUIT

W. Charles Witte

THIRTEENTH JUDICIAL CIRCUIT

Robert L. Carter

Cynthia M. Raccuglia

FOURTEENTH JUDICIAL CIRCUIT

Jeffrey W. O'Connor

James T. Teros

Larry S. Vandersnick

FIFTEENTH JUDICIAL CIRCUIT

Stephen C. Pemberton

SIXTEENTH JUDICIAL CIRCUIT

Philip L. DiMarzio

James M. Wilson

R. Peter Grometer

SEVENTEENTH JUDICIAL CIRCUIT

Fred Kapala

EIGHTEENTH JUDICIAL CIRCUIT

Ann B. Jorgensen

TWENTIETH JUDICIAL CIRCUIT

Milton S. Wharton

Lloyd A. Cueto

Jan Fiss

TWENTY-FIRST JUDICIAL CIRCUIT

Fred S. Carr, Jr.

Kendall O. Wenzelman

COOK COUNTY JUDICIAL CIRCUIT

Fred G. Suria, Jr.

Warren D. Wolfson

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Aubrey F. Kaplan
 Frank Orlando
 Ellis E. Reid
 Carole Kamin Bellows
 David G. Lichtenstein
 Michael J. Hogan
 Alan J. Greiman
 Mary Maxwell Thomas
 Francis Barth
 Stuart Allen Nudelman
 Edward R. Burr
 Barbara J. Disko
 Kathy M. Flanagan
 Curtis Heaston
 Michael J. Kelly
 John E. Morrissey
 Ronald C. Riley
 Francis X. Golniewicz
 Moshe Jacobius
 Stuart F. Lubin
 Marvin P. Luckman
 Michael Buckley Bolan
 Henry R. Simmons, Jr.
 Raymond Funderburk
 Stuart E. Palmer
 Martin S. Agran
 Patricia Banks
 Ronald F. Bartkowicz
 Janice L. Bierman
 Robert Lopez Cepero
 Jacqueline Patricia Cox
 James F. Henry
 Garritt E. Howard
 Joseph G. Kazmierski, Jr.
 Colleen McSweeney Moore
 Ralph Reyna
 James Fitzgerald Smith
 Karen Thompson Tobin
 Joseph J. Urso
 Cyril J. Watson
 E. Kenneth Wright, Jr.
 Edward R. Jordan
 Cynthia Brim
 Rodney Hughes Brooks
 Thomas R. Chiola
 Claudia Grace Conlon
 Maureen Elizabeth Connors
 Christopher J. Donnelly
 James D. Egan
 Raymond A. Figueroa

PROCLAMATIONS

Margaret O'Mara Frossard
 Catherine Marie Haberkorn
 Marsha D. Hayes
 Robert J. Kowalski
 Lisa Rubie Murphy
 Elliott Muse, Jr.
 Marya Nega
 Thomas E. Nowinski
 Edward P. O'Brien
 Thomas Paul Panichi
 Lee Preston
 Daniel A. Riley
 Drella C. Savage
 Lon William Shultz
 Victoria A. Stewart
 Bill Taylor
 Lawrence "Larry" Terrell
 Amanda S. Toney
 James M. Varga
 Richard F. Walsh
 Camille E. Willis

NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly retained to the offices as set out above.

Issued by the Governor November 27, 2000.

Filed by the Secretary of State November 27, 2000.

2000-600

2000 GENERAL ELECTION CANVASS- REGIONAL SUPT. OF SCHOOLS

WHEREAS, On the 7th day of November, 2000, an election was held in the State of Illinois for the election of the following officer, to-wit:

One (1) Regional Superintendent of Schools, to-wit:

One (1) Regional Superintendent of Schools from the Region Grundy and Kendall for an unexpired two year term.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 27th day of November, 2000, canvass the same, and as a result of such canvass, did declare elected the following named person to the following named office:

REGIONAL SUPERINTENDENT OF SCHOOLS

GRUNDY AND KENDALL

(For an unexpired two year term)

Thomas J. Centowski

NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing person duly

PROCLAMATIONS

elected to the office as set out above.

Issued by the Governor November 27, 2000.

Filed by the Secretary of State November 27, 2000.

2000-601

**2000 GENERAL ELECTION CANVASS- TRUSTEES OF THE
PRAIRIE DUPONT LEVEE AND SANITARY DISTRICT**

WHEREAS, On the 7th day of November, 2000, an election was held in the State of Illinois for the election of the following officer, to wit:

Five (5) Trustees of the Prairie Dupont Levee and Sanitary District.

WHEREAS, in pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 27th day of November, 2000, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named office:

**TRUSTEES OF THE PRAIRIE DUPONT LEVEE AND SANITARY
DISTRICT**

Julie G. Levin

David Walster

Michael E. Sullivan

Michael H. Lindhorst

Steven R. Foutch

NOW, THEREFORE, I, GEORGE H. RYAN, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the office as set out above.

Issued by the Governor November 27, 2000.

Filed by the Secretary of State November 27, 2000.

2000-602

ENSEMBLE ESPANOL DAY

WHEREAS, Northeastern Illinois University's in-residence dance company, Ensemble Espanol Spanish Theater, is celebrating its 25th anniversary in 2001; and

WHEREAS, the 25th anniversary is a yearlong event, which will begin with a "Kick Off Party" on Friday, December 8, 2000, at the Chicago Cultural Center, and the highlight of the celebration will be the American Spanish Dance Festival, occurring July 19-22, 2001, at the North Shore Center for Performing Arts; and

WHEREAS, the Ensemble Espanol, which is recognized nationally and internationally, has been supported by the City of Chicago and the State of Illinois, and was presented with the 20th anniversary award by the Chicago Department of Cultural Affairs, honoring the exceptional role that the Ensemble Espanol has contributed to make the City of Chicago artistically unique; and

WHEREAS, the Ensemble Espanol Spanish Dance Theater is a not-for-profit corporation chartered to share the rich tradition of dance, music, literature, and culture of Spain with all our communities, and to be a center which

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encourages new artistic creativity within the framework of the Ibero-Hispanic experience; and

WHEREAS, the Ensemble Espanol is hailed as the "Center for Spanish Dance in America" and recognized as the leader in Hispanic dance and music, uniting all of our communities via their mission of art, culture, and education; and

WHEREAS, the company founder and artistic director, Dame Libby Komaiko, is the first American artist in history to be decorated with the Lazo de Dama de Orden de Isabel, la Catolica, by Juan Carlos I, King of Spain, for her work in spreading the cultural values of Spain via music and dance throughout the United States; and

WHEREAS, the company's extraordinary 110+ repertoire exemplifies their cultural and artistic mission to further the artistic awareness of the Hispanic culture, allowing them to design the foundation of an international center for Spanish dance education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 8, 2000, as **ENSEMBLE ESPANOL DAY** in Illinois.

Issued by the Governor November 27, 2000.

Filed by the Secretary of State December 1, 2000.

2000-603

J. IRA AND NICKI HARRIS FAMILY HOSTEL DAY

WHEREAS, Hostelling International-American Youth Hostels (HI-AVH) is a non-profit organization that promotes international understanding and an appreciation of other cultures and the environment through its network of educational travel program; and

WHEREAS, Hostelling International-American Youth Hostels is celebrating the opening of the J. Ira and Nicki Harris Family Hostel, the first youth hostel in Illinois, located at 24 E. Congress Parkway, on December 4, 2000; and

WHEREAS, Chicago's historic seven-story George F. Kimball building is the site of this new Chicago hostel, located within walking distance to the Art Institute, Grant Park, and the Museum Campus; and

WHEREAS, the Chicago hostel will be the fourth largest in the world, with a peak capacity of 500 beds, and will have 24-hour access, a student center, information desk, a large self-service kitchen, dining room, on-site cafe, laundry facilities, parking, and Internet access; and

WHEREAS, Chicago receives over 25 million visitors annually, more than one million of them coming from beyond our national borders, and will now have a new state-of-the-art facility to welcome travelers; and

WHEREAS, the City of Chicago is proud to support the J. Ira and Nicki Harris Family Hostel, which will encourage thousands of young visitors of all ages, backgrounds, and nationalities to enjoy our institutions and natural resources;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 4, 2000, as **J. IRA AND NICKI HARRIS FAMILY HOSTEL DAY** in Illinois.

Issued by the Governor November 27, 2000.

Filed by the Secretary of State December 1, 2000.

2000-604

JOE KELLY DAY

PROCLAMATIONS

WHEREAS, Joe Kelly was born August 4, 1922, to Mildred Leach and Joseph P. Kelly, Jr. in St. Louis, Missouri; and
 WHEREAS, in 1934, he joined Boy Scout Troop 98 at St. Rooks School in St. Louis and remained active, becoming a Life Scout; and
 WHEREAS, as an adult volunteer, Joe Kelly has taken the reigns as Committee Chairman of Troop 28 at St. Thomas Catholic Church in Peoria, Illinois; and

WHEREAS, to suit his cravings for outdoor adventure, he has taken the scouts to Canada on two occasions for two weeks to camp and canoe; and
 WHEREAS, Joe has continued his involvement with Scouting, supporting the Council financially as Chairman of the Council Friends of Scouting Campaign, member of the Council Finance Committee, Chairman of the Endowment Investment Committee, and the Executive Board; and

WHEREAS, Joe has participated in many civic activities over the years, including Vice President of the Jaycees, President of the Peoria March of Dimes, Board Member of the Peoria Chamber of Commerce, and a twenty-year member of the Rotary Club; and

WHEREAS, on November 29, 2000, the Boy Scouts of America will present their "Distinguished Citizen Award" to Joe Kelly;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 29, 2000, as JOE KELLY DAY in Illinois.

Issued by the Governor November 27, 2000.
 Filed by the Secretary of State December 1, 2000.

2000-605

MARIA CICERO DAY

WHEREAS, Maria Cicero won the Class AA Cross Country Individual Title in on November 4, 2000, in Peoria; and
 WHEREAS, Maria Cicero displayed the highest standards, dedication and perseverance in leading the Lady Dukes to their first Class AA State Championship Title; and

WHEREAS, Maria Cicero's record-breaking run of 13:49 will go down in York High School history as one of greatest individual athletic performances; and
 WHEREAS, Maria Cicero's dedication to the sport of Cross Country is equaled by her commitment to academics and learning;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 30, 2000, as MARIA CICERO DAY in Illinois.

Issued by the Governor November 27, 2000.
 Filed by the Secretary of State December 1, 2000.

2000-606

YORK COMMUNITY HIGH SCHOOL BOYS' CROSS COUNTRY TEAM DAY

WHEREAS, the York Community High School Boys' Cross Country Team won the Class AA State on November 4, 2000, in Peoria; and
 WHEREAS, the citizens of Illinois commend the dedication of Coach Joe Newton and Assistant Coaches Vito Purpura and Charlie Kern; and

WHEREAS, the Dukes have won 21 State Championships and scored an

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impressive 126 points; and

WHEREAS, the team members John Baez, Michael Baier, Collin Bourdage, Michael Corry, Albert Dimond, Keith Eadon, Antonio Fasano, Vince Fasano, Tim Hobbs, Todd Jones, Jordan Kapitanoff, David Kikuchi, Adam Manta, Seby Mathew, Daniel McAndrew, Jay McGrane, Matt Montgomery, Michael Pulombo, Adam Roche, and Peter Stasiulis have demonstrated the highest standards of integrity and sportsmanship; and

WHEREAS, the Dukes have helped each other and have exemplified the true meaning of teamwork; and

WHEREAS, the Dukes' dominance in the sport of Cross Country brings attention to York High School as an institution with top athletes and athletic programs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 29, 2000 as YORK COMMUNITY HIGH SCHOOL BOYS' CROSS COUNTRY TEAM DAY in Illinois.

Issued by the Governor November 27, 2000.
 Filed by the Secretary of State December 1, 2000.

2000-607

YORK COMMUNITY HIGH SCHOOL GIRLS' CROSS COUNTRY TEAM DAY

WHEREAS, the York Community High School Lady Dukes Country Team won its first Class AA State on November 4, 2000, in Peoria; and

WHEREAS, the citizens of Illinois commend the dedication of Coach Larry Basset who has led the Lady Dukes to victory 17 out of the last 21 years; and

WHEREAS, the Lady Dukes were led by runners Kara Henry and Maria Cicero to an undefeated 2000 season; and

WHEREAS, the team members Allison Billhardt, Maria Cicero, Lauren Dick, Erin Fitzgerald, Kelly Forst, Kara Henry, Emily Jones, Christine Kotarba, Christina Le Donne, Kelly O'Neill, Hillary Palumbo, Justine Parker, Vanessa Pfafflin, Shannon Tucker, and Jamie Virzi are an example of dedication and discipline for all Illinois students and athletes; and

WHEREAS, the Lady Dukes' display of excellence in the sport of Cross Country brought them 82 points in their championship season;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 28, 2000, as YORK COMMUNITY HIGH SCHOOL GIRLS' CROSS COUNTRY TEAM DAY in Illinois.

Issued by the Governor November 27, 2000.
 Filed by the Secretary of State December 1, 2000.

2000-608

AIDS AWARENESS DAY

WHEREAS, the prevention of HIV infection and AIDS necessitates a worldwide effort to increase communication, education, and united action to stop the spread of HIV/AIDS; and

WHEREAS, the Joint United Nations Program on HIV/AIDS (UNAIDS) observes December 1 of each year as World AIDS Day, a day to expand and strengthen worldwide efforts to stop the spread of HIV/AIDS; and

PROCLAMATIONS

WHEREAS, UNAIDS estimates that over 34 million people worldwide are currently living with HIV/AIDS, with young people under the age of 25 accounting for more than half of all new infections; and

WHEREAS, the American Association for World Health is encouraging a better understanding of the challenge of HIV/AIDS nationally as it recognizes that the number of people diagnosed with HIV and AIDS in the United States continues to increase, with 850,000 people in the U.S. now infected, and 28,000 to 38,000 infected in Illinois; and

WHEREAS, World AIDS Day provides an opportunity to focus local, national, and international attention on HIV infection and AIDS and to disseminate information on how to prevent the spread of HIV; and

WHEREAS, because men represent the majority of people living with HIV/AIDS, World AIDS Day 2000, "AIDS: All Men-Make a Difference!", urges all men to increase their awareness of the risk of HIV/AIDS for themselves, their partners, and their children and to use their influence in their families, among their friends, and in their communities to help stem the tide of the HIV/AIDS epidemic; and

WHEREAS, this day in Illinois is commemorated by a number of events across the State, including the dimming of the lights atop the Illinois State Capitol dome, at the James R. Thompson Center and State of Illinois Building in Chicago, and at the Springfield headquarters of the Illinois Department of Public Health during the evening hours to coincide with the dimming of the lights of the White House as a visual demonstration expressing a State and national commitment to stop the spread of HIV/AIDS; and

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1, 2000, as AIDS AWARENESS DAY in Illinois.

Issued by the Governor November 29, 2000.
Filed by the Secretary of State December 1, 2000.

2000-609

DR. LARRY HAWKINS DAY

WHEREAS, the Chicago Area Project, along with friends, colleagues, and former athletes will honor Dr. Larry Hawkins at a special banquet tribute "Roast and Toast the Coach" on December 9, 2000, at the Hyatt Regency in Chicago to show him how his lifelong contribution of dedicated service has touched the hearts of a community; and

WHEREAS, as an educator, administrator, and coach for more than 40 years, Dr. Larry Hawkins has helped thousands of young people prepare for college and life through his leadership of the Big Buddies Youth Services, Inc., the Office of Special Programs at the University of Chicago, and the Institute of Athletics and Education, founded in 1972; and

WHEREAS, Dr. Larry Hawkins led the Carver High School basketball team to become Chicago's first African-American public school state champions in 1963; and

WHEREAS, through his coaching experience, Dr. Hawkins discovered how kids could use sports to achieve a better life, because according to Dr. Hawkins, "sports energized the school, kids, parents, and the whole community, and you have to start with kids where they are so you can understand where you want to take them."; and

PROCLAMATIONS

WHEREAS, Dr. Hawkins put this ideology to work in his activities with Big Buddies Youth Services, an affiliate of the Chicago Area Project, where he served as president, and the Office of Special Programs, where he helped connect students and schools to resources available in both the community and the academic environment of the University of Chicago; and

WHEREAS, Dr. Larry Hawkins later founded the Institute of Athletics and Education (IAE) to influence the role of sport in the public schools; and

WHEREAS, Dr. Larry "Coach" Hawkins has played a significant role in shaping the lives of many young people in the Chicago area, and is remembered as being instrumental in the success of noted Chicagoans such as basketball legend Cazzie Russell, Ambassador Carol Moseley-Braun, and Judge Michael W. Stuttley;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 9, 2000, as DR. LARRY HAWKINS DAY in Illinois.

Issued by the Governor November 29, 2000.
Filed by the Secretary of State December 1, 2000.

2000-610

GARY E. MILLER DAY

WHEREAS, Gary E. Miller has served as the Director of the Illinois Guardianship and Advocacy Commission since 1988; and

WHEREAS, he has provided the leadership and commitment necessary to ensure that the rights of thousands of persons with disabilities are safeguarded; and

WHEREAS, Gary Miller was responsible for the Commission's commitment to training and obtaining National Guardianship Association certification for over 90 percent of its Office of State Guardian professional staff, thereby leading the nation in certified staff; and

WHEREAS, Director Miller has been a tireless supporter of the Legal Advocacy Service and its mission to provide quality legal services to persons facing civil commitment; and

WHEREAS, Gary Miller has played a key role in the recruitment and training of Human Rights Authority volunteer members to investigate alleged rights violations against persons with disabilities; and

WHEREAS, he was an early advocate of technological improvements including dedicated case management software to enable the Office of State Guardian to maintain and track financial responsibilities of wards of the State; and

WHEREAS, Director Miller was instrumental in obtaining federal Medicaid reimbursement for case management services resulting in increased revenues for the State of Illinois; and

WHEREAS, Director Miller has been associated with numerous professional organizations including the Mental Health Association of Greater Chicago, the Alliance for the Mentally Ill, the Springfield Center for Independent Living, the Coalition of Citizens with Disabilities, the National Council on Aging and is a Charter Member of the National Guardianship Association; and

WHEREAS, Gary Miller has always been an active member of the Springfield, Illinois, community having been involved in the Order of the Eastern Star, the Springfield Muni Opera, the Theatre Centre and Big Brothers/Big Sisters; and

WHEREAS, Director Miller has guided the Illinois Guardianship and Advocacy Commission to national recognition for its role in enforcing and protecting the

PROCLAMATIONS

rights of persons with disabilities;

THEREFORE, I, Governor George H. Ryan, Governor of the State of Illinois, proclaim December 1, 2000, as GARY E. MILLER DAY in Illinois.

Issued by the Governor November 29, 2000.

Filed by the Secretary of State December 1, 2000.

2000-611

REV. DR. CLAY EVANS DAY

WHEREAS, the Fellowship Missionary Baptist Church will celebrate the retirement of Pastor Rev. Dr. Clay Evans after 50 years of uninterrupted services; and

WHEREAS, the Rev. Dr. Clay Evans organized Fellowship Missionary Baptist Church in 1950, along with Rev. Joseph Evans, Rev. Phavis Evans, Ms. Loudella Evans-Reid, Mr. Robert Bonds, and Mr. Arthur Spraggins; and

WHEREAS, Rev. Evans has been married to Lutha Mae Evans for over 50 years, and together they are proud parents of five children, Diane, Michael, Ralph, Claudette, and Faith; and

WHEREAS, Rev. Evans is the founding National Board Chairman of Operation PUSH, Founding President of the Broadcast Minister Alliances of Chicago and the African-American Religious Connection, Board Chairman of Chicago Baptist Institute, and Board Member of the National Baptist Convention, U.S.A. Inc.; and

WHEREAS, Rev. Evans has launched the ministerial career of 93 persons, including six female ministers, and he is affectionately called a pastor's pastor and a minister's minister; and

WHEREAS, Rev. Evans wrote "From Plough Handle to Pulpit", produced numerous recordings, and received the 1996 Steller Award for the number one Gospel Album, "I've Got A Testimonial", and he has traveled extensively, both nationally and internationally; and

WHEREAS, Rev. Evans, a man of faith and a man with vision, emphatically believes that "It Is No Secret What God Can Do";

THEREFORE, I George H. Ryan, Governor of the State of Illinois, proclaim December 8, 2000, as REV. DR. CLAY EVANS DAY in Illinois

Issued by the Governor November 29, 2000.

Filed by the Secretary of State December 1, 2000.

Rules acted upon during the calendar quarter from Issue 43 through Issue 53 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us on the Internet.

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